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THE DUBLIN DECEMBER COMMISSION.

5TH DECEMBER, 1882.

County of Galway.

THE LOUGH MASK MURDERS.

The Hon. Mr. Justice O'BRIEN sat in the Court-house, Green-street, at 11 o'clock. In the course of the forenoon, the County Dublin Grand Jury returned true bills against Patrick Higgins (Long), Thomas Higgins (Tom), and Michael Flynn, for the wilful murder of Joseph and John Huddy, near Lough Mask, in the county of Galway, on the 3rd January last, the case having been removed from the local venue on certificate of the Right Hon. the Attorney-General, under the provisions of the Prevention of Crimes (Ireland) Act, 1881.

James Murphy, Esq., Q.C., and Peter O'Brien, Esq., Q.C. (instructed by George Bolton, Esq., Crown Solicitor), represented the Crown; and

Charles H. Teeling, Esq., and Richard Adams, Esq. (instructed by Patrick J. B. Daly, Esq., of Ballinrobe), appeared for the accused.

When the true bills were returned—

Mr. Teeling.—My Lord, I am, with my learned friend Mr. Adams, counsel for the prisoners, and have an application to make—

Mr. Justice O'BRIEN.—I beg your pardon, Mr. Teeling, the prisoners must be put forward before you can make any application.

Patrick Higgins (Long), Thomas Higgins (Tom), and Michael Flynn, were accordingly put to the bar.

The Clerk of the Crown.—Do the prisoners understand English?

Mr. Daly.—Except the old man—Patrick Higgins (Long)—they do.

Constable BRYAN COLLINS, R.I.C., having been sworn to “truly interpret between the Court and the prisoners at the bar according to the best of his skill and ability,” and Patrick Higgins (Long), being put to the front of the dock,

The Clerk of the Crown said—Interpreter, inform the prisoner, Patrick Higgins (Long), that he stands indicted (in number 1) for that he on the 3rd of January, 1882, feloniously, unlawfully, and of his malice aforethought, did kill and murder John Huddy; and ask him does he plead guilty or not guilty.

The Interpreter.—He says he did not do anything to him—that he did not strike him with a stone or a stick or anything—that he did not kick him or the boy.

The Clerk of the Crown.—Will you inform him that he also stands indicted (in number 2) for that he, on the 3rd day of January, 1882, feloniously, wilfully, and of his malice aforethought, did kill and murder Joseph Huddy, and ask him is he guilty or not guilty.

The Interpreter.—He says he did not do it.

Thomas Higgins (Tom) being put forward to the front of the dock.

The Clerk of the Crown said—You stand indicted (in Number 1) for that you, on the 3rd day of January, 1882, feloniously, wilfully, and of your malice aforethought, did kill and murder John Huddy. Now say you, Thomas Higgins (Tom), are you guilty or not guilty?

The Prisoner.—Not guilty, my lord.

The Clerk of the Crown.—In Number 2 you stand indicted for that you, on the 3rd day of January, 1882, did feloniously, wilfully, and of your malice aforethought, kill and murder Joseph Huddy. Are you guilty or not guilty?

The Prisoner.—Not guilty, my lord; I never injured any man.

Michael Flynn being put forward to the front of the dock,

The Clerk of the Crown.—Michael Flynn, you stand indicted (in number 1) for that you, on the 3rd day of January, 1882, did feloniously, wilfully, and of your malice aforethought, kill and murder John Huddy. Now say you, are you guilty or not guilty?

The Prisoner.—Not guilty. I had nothing in the wide world to do with it.

The Clerk of the Crown.—In number 2 you are indicted for that you, on the 3rd day of January, 1882, did feloniously, wilfully, and of your malice aforethought, kill and murder Joseph Huddy. Are you guilty or not guilty?

The Prisoner.—Guilty—not.

Mr. *Daly*, *Solicitor*.—What say you?

The *Prisoner*.—Not guilty, my lord.

Mr. *Teeling*.—My lord, in this case I appear with my learned friend, Mr. Adams, on behalf of the prisoners at the bar, and I have respectfully to apply to your lordship on their behalf that the trial should not proceed before Thursday at the earliest.

Mr. *Daly*.—That won't do; I will never be ready in that time. Say Friday.

Mr. *Teeling*.—My solicitor says Friday, my lord, not Thursday. Your lordship is aware that this is the earliest day upon which the trial could possibly have taken place, and the period of adjournment which I ask is practically only two days—Wednesday and Thursday. I make the application upon a statement made to me by the solicitor instructing us, Mr. Daly; and I am informed that, under the circumstances I shall set forth, Friday is the earliest day that this trial ought to take place on, consistently with what is due to the prisoners, as well as to the Crown. The facts I am about to mention, will, if necessary, be verified by the affidavit of Mr. Daly. That gentleman has received a telegram this morning from the country, stating that the witnesses, or some of the witnesses, whom it would be necessary to produce on behalf of the prisoners, will require to be served with Crown subpoenas in the ordinary way. These subpoenas could not of course be obtained, by any possibility, and sent down to the country until this evening, at the very earliest; and I am instructed that when they reach Clarendon, the residences of the witnesses in question are still upwards of thirty Irish miles distant. There is a public car only to Ballinrobe from Clarendon—none from that to where these persons actually reside. Your lordship will see under those circumstances that it would be impossible, physically impossible, to reach them with the subpoenas at a time which would enable them, with any certainty, to be here before Friday morning. As I have said, that statement of mine will be verified, if your lordship thinks that necessary, by an affidavit of Mr. Daly's. There is another matter which I would, in addition, urge upon your lordship as going to sustain this application. The Crown have served us with a list of the witnesses to be examined for the prosecution, thirty in number—a formidable array; and your lordship is aware that my learned friend and myself have in this case been assigned to defend the prisoners but recently.

Mr. Justice O'BRIEN.—Have been retained, I understand.

Mr. *Teeling*.—Yes, retained, but upon what practically amounts to an assignment; and your lordship will see, from the great number of witnesses to be examined on behalf of the Crown, that it is a case in which my learned friend and myself should have a reasonable time to consider the course of action we will take on behalf of the prisoners at the bar. I must say for myself, and I think I can also speak for my friend, Mr. Adams, that we do not believe we could possibly give the attention and consideration to this case which would enable us properly to conduct the defence before Friday morning. We require that time for consideration and preparation, apart altogether from the absence of witnesses, and the physical impossibility to have them here before then. Our application for an adjournment over two days, will not, I understand, having regard to the number of other cases ready for trial, really cause any practical public inconvenience; but apart altogether from that question of public convenience, I would submit that the two grounds I have stated—the physical impossibility of getting these necessary and important witnesses on behalf of the prisoners here before Friday, and the personal matter connected with our own preparation for the case—

Mr. Justice O'BRIEN.—These are not personal grounds—they are professional grounds, very proper in themselves.

Mr. *Teeling*.—That is what I meant, my lord, and I confidently submit we have made a case for the very short adjournment we ask.

Mr. *Murphy*.—My lord, on behalf of the Crown I must oppose this application. So long ago as the 20th of November notice was served that this would be the day on which the trial would be taken up. That notice was served on the prisoners and immediately communicated, I take for granted, to the solicitor who was acting for them long before, when the informations were taken against the accused Mr. Daly. This day was fixed, as I have stated, for the trial; the witnesses are in attendance, and yesterday a communication was made, I understand, to Mr. Bolton that an application would be made for a postponement until to-morrow, which being communicated to the Solicitor-General, he was ready to assent to. We were prepared to agree to that application, but it would be manifestly inconvenient to those acting on behalf of the Crown, and the preparations that have been made to have the witnesses in attendance, to have the trial postponed beyond Thursday. As to what Mr. *Teeling* has said with regard to the number of witnesses I may remark that there are several to prove facts which I may say are merely

formal, and that the actual witnesses, on whose evidence the case will depend, are not more than four or five in number and their evidence is extremely brief. I would respectfully submit that no grounds have been made for postponing this case beyond to-morrow. It was known on the 20th November that witnesses required for the defence would be brought up by the Crown—their expenses paid, and that counsel would be paid by the Crown, because the trial took place here; and the mere statement that they are not ready to go on should not suffice to carry such an application as this. I don't know, my lord, what may happen to some of the witnesses even in so short a time as between this and Friday.

Mr. Justice O'BRIEN.—Do you extend the same objection to an application to take the case on Thursday, Mr. Murphy?

Mr. Murphy.—We wish to have it fixed for to-morrow—the case is prepared to go on to-morrow—that day was fixed to convenience the prisoners' counsel only yesterday, and it is of vital moment that a trial of this kind should take place as soon as possible after the events in question have occurred. We do not know what fatality may occur—the putting off a case and looking for time on the part of the accused persons may impede the prosecution in many respects. As I have said we don't know what may happen to witnesses in the meantime.

Mr. Justice O'BRIEN.—As regards Friday, Mr. Adams, you have to consider the great inconvenience of taking up a trial of this kind on Friday, that might go beyond the succeeding day.

Mr. Adams.—Any day longer than Friday would do. We have no objection to that. But, my lord, I would submit that the application made is by no means an extravagant one. An adjournment of only over two clear days. You have the statement of Mr. Teeling and myself, who have only been retained since this Commission commenced, that time is required to prepare for the line of defence to be pursued; and you have it further stated that necessary and material witnesses for that defence cannot possibly be here before Friday. As against that, we have only to consider the convenience of counsel for the Crown, and a very shadowy and incomprehensible suggestion by Mr. Murphy, that between this and Friday something is likely to happen to Crown witnesses. It has also been said that though these Crown witnesses number thirty in the list furnished to us, only four or five of them were of any importance; but a case of this kind, involving a charge of murder against three men, is naturally one of difficulty, and this case, so far as I have been able to gather from a glance over the informations, is one of considerable complexity. True bills were found in the case within the last ten minutes; this is the first time the accused could possibly have been put upon their trial, and I don't think it is too much to ask for an adjournment of two clear days to enable us properly to prepare ourselves for a case of this magnitude, involving the lives of three human beings. Applications for adjournments have been made over one Commission to another, or from an early day to a late day of the same Commission, and such have been granted; now we only ask two days, and I confidently submit to your lordship that that is not unreasonable.

Mr. Justice O'BRIEN.—Although I consider that no sufficient grounds have been made for an extension of the period of adjournment over to-morrow, as named in the communication made by the solicitor for the accused to-day, yet in favour of persons accused of a very serious crime, I am disposed at present to extend the time till Thursday, and no longer. I have not the least doubt, as the Crown case will naturally occupy one day, that gentlemen of your competency and ability, Mr. Teeling and Mr. Adams, will be prepared, and that the attendance of the necessary witnesses will be secured in abundance of time.

Mr. Daly.—I could not possibly be ready before Friday morning, my lord. I have to go down by this night's mail; travel by car from Claremorris to Ballinrobe, which I will reach about half past four in the morning. Thence I will have to drive fourteen or fifteen Irish miles through a wild mountainous country, to serve the subpoenas, and will have difficulty in securing cars, so that I could not possibly—having any regard at all to my own health, not very good at present unfortunately—be here on Thursday morning.

Mr. Justice O'BRIEN.—But for a long time back you were aware that this trial would take place to-day.

Mr. Daly.—No, my lord. It is only proper that I should state, and I don't think this will be contradicted by Mr. Bolton, that the first intimation I got was on Saturday last. The letter containing the notice, in place of coming to me direct, went to Mr. Daly, solicitor, of Thum (a partner of Mr. Higgins, the highly respectable solicitor, of that town), who opened it, and redirected it to me; but the letter took two days to carry from Thum to Ballinrobe, and only reached me on Saturday evening. I immediately started to hunt up and take the evidence of witnesses, and came to Dublin by the night mail. I called on Mr. Bolton on the following day—Sunday, the earliest opportunity. I then got a communication from the country that my witnesses would come up without being served with subpoenas. Then I received a

telegram to another effect last night, followed by another this morning, stating that they would not come until subpoenaed. I would beg of your lordship to say Friday-morning in place of Thursday—it will make all the difference in the world to me.

Mr. *Murphy*.—I altogether oppose a longer adjournment than your lordship has already given. When capital cases come into court and the prisoner happens not to be provided with a solicitor or a counsel, in England the case would go on without either solicitor or counsel, but in this country, fairly enough, professional gentlemen are appointed to act for him, and the trial fixed for the next day. All that we know now is that at the time the informations were being taken, the prisoners were represented by the solicitor now concerned for them, and that on the 20th of November, the prisoners were served with notice that their trial would take place on this day.

Mr. Justice O'BRIEN.—When was the order of court made upon the certificate of the Attorney-General for the removal of this trial here, served?

Mr. *Murphy*.—On the 20th November, my lord.

Mr. *Adams*.—But not served on Mr. Daly then. Mr. Bolton who has charge of the case, a gentleman in whom we all have the utmost confidence, will admit that by an accident in the Crown office the letter was addressed to the wrong gentleman, and went to Mr. Daly of Tuam in place of to Mr. Daly of Ballinrobe.

Mr. *Bolton* said the notice was served on the prisoners, on the 20th November.

Mr. Justice O'BRIEN.—Mr Adams, I must adhere to my decision. I am satisfied that no real injury will result to the prisoners by taking the trial on Thursday morning. I have extended the time to that day even against the representation and wish of the Solicitor-General to have the case taken up tomorrow.

It was directed that Mr. Daly should have my facility of interview and communication with the prisoners meanwhile, and

The hearing was adjourned till Thursday, at 11 a.m.

THE DUBLIN DECEMBER COMMISSION.

7TH DECEMBER, 1882.

County of Galway.

THE LOUGH MASK MURDERS.

THE QUEEN v. PATRICK HIGGINS (LONG).

The Hon. Mr. Justice O'BRIEN sat in the Court House, Green-street, at eleven o'clock, when Patrick Higgins (Long), who had, on the 5th instant, pleaded Not Guilty to two indictments charging him respectively with the wilful murder of Joseph Huddy and John Huddy, was put forward to take his trial on the first of these.

The Hon. the *Solicitor-General* (A. M. Porter, Esq., q.c., m.p.), *James Murphy*, Esq., q.c., and *Peter O'Brien*, Esq., q.c. (instructed by *George Bolton*, Esq., Crown Solicitor), attended to conduct the prosecution; and *Charles H. Teeling*, Esq., and *Richard Adams*, Esq. (instructed by *Patrick J. B. Daly*, Esq., of Ballinrobe), appeared for the accused.

Head Constable THOMAS EVANS, R.I.C., having been sworn to truly interpret between the court and the prisoner at the bar according to the best of his skill and ability—

Mr. *Hones* (Crown Solicitor for the county of Tipperary, South Riding, acting for the Clerk of the Peace) said:—Now, will you inform the prisoner, Patrick Higgins (Long), in Irish, that his trial is about to be proceeded with, that he is entitled to challenge twenty jurors peremptorily, and as many more as he can show cause for; but if he challenges them, or any of them, he must do so as they come to the book to be sworn, and before they are sworn, otherwise he will be too late in his challenges.

The special jury panels (county and city) were then called, and 106 answered, forty-one being from the county Dublin. The jury was empanelled from the sixty-two gentlemen who had answered, the sixty-two being dealt with thus—

39. Alderman Henry Cochrane, t.c., 45, Kildare-street, ordered to stand aside.

29. James Stewart Kincaid, De Vesci-terrace, Kingstown, challenged by Mr. Daly on behalf of the accused.

10. Henry A. Phillipson, 29, Stafford-street, sworn.

43. William B. Prescott, 8, Abbey-street, challenged.

44. James Rourke, 138, Great Britain-street, stand aside.

100. Christopher Brady, 8, Upper Liffey-street, stand aside.

92. James Smith, 14, Queen-street, stand aside.

76. John Martin, Lusk, stand aside.

97. Patrick Ryan, 1 and 2, Townsend-street, stand aside.

73. Edward Ryan, 23, Clare-street, stand aside.

15. John Low, Farmlev, Dundrum, sworn.

27. Samuel H. Close, 31, Henry-street, challenged.

55. George Booth, 4, Stephen's-green, North, challenged.

66. Patrick M. Purcell, 27, Lincoln-place, stand aside.

27. Wm. Glenn, 83, Pembroke-road, sworn.

32. Terence O'Neill, Balbriggan, stand by.

23. Joshua Bewley, Cross-avenue, Blackrock, challenged.

64. Lawrence B. Rorke, Clondalkin, stand aside.

33. Thomas J. Plunkett, Portmarnock House, Baldoyle, challenged.

86. Henry Smith, 155, Capel-street, challenged.

55. Patrick Dowling, Johnston House, Finglas, stand aside.

67. James Whelan, Kinnage-road, stand aside.

14. James Bolger, 35, George's-street, South, stand aside.

52. Michael Roc, 28, North Earl-street, sworn.

100. Francis Ormsby, Kingsbridge Terminus, challenged.

60. Edward Lynch, Springfield, Lucan, stand aside.

77. John Colclough, 22, Duke-street, challenged.

60. Thomas W. Russell, 102, Stephen's-green, South, sworn.

45. William Lyburn, Lower Georges-street, Kingstown, stand aside.

99. James Williams, 205 and 206, Great Britain-street,

Mr. *Williams*.—I beg to be excused, my lord, having regard to my convictions against capital punishment.

Mr. Justice O'BRIEN.—Well, I excuse you, sir, as you have made that statement.

75. Henry Wigham, 35, Capel-street, being called,
 Mr. *Wigham* said—My lord I have the same objection to capital punishment.

Mr. Justice O'BRIEN.—Do you mean to convey that if the evidence in a trial for murder should establish the guilt of the accused you still would refuse to find a verdict according to the evidence.

Mr. *Wigham*.—I could not conscientiously serve on a jury where the sentence might be death.

Mr. Justice O'BRIEN.—But would you go the length of saying that if you were sworn to find a true verdict according to the evidence, and that evidence established the guilt of the prisoner, you would not find a verdict of guilty?

Mr. *Wigham*.—I could not conscientiously go on a jury where the result might be death.

Mr. Justice O'BRIEN.—Still, that is not the question, sir.

Mr. *Murphy*.—Allow him to stand by for the present.

Mr. Justice O'BRIEN.—Very well. Mr. Wigham, we will pass you for the present. You have very properly and conscientiously drawn the distinction that arises on the issue.

49. John Martin, 38, Lower Baggot-street, sworn.

9. Michael O'Mara, 91, Lower Mount-street, stand aside.

29. James Fuller, 12, Dawson-street, stand aside.

2. Joseph O'Neill, St. Dolough's, stand aside.

37. Patrick C. Warren, 1, Capel-street, stand aside.

25. Henry Warren, 28, Lower Leeson-street, challenged.

96. John Miller, 29, Old Church-street, sworn.

23. John Rigby, 24, Suffolk-street, challenged.

82. Frederick Blood, Alma-road, Monkstown, challenged.

10. John Francis Donnelly, Blanchardstown, Castleknock, stand aside.

63. Henry Booth, 141, Thomas-street, stand by.

76. Richard Booth, 63 and 64, Stephen-street, challenged.

66. John Alfred Trench, 5, St. James's-road, Clonskeagh, challenged.

35. Bernard Rispin, 34, Eccles-street, stand aside.

70. James Booth, jun., 26, Great Ship-street, challenged.

54. Thomas G. White, 54, Abbey-street, being called,

Mr. *White* said—Previous to being sworn, I would respectfully ask whether it is intended to provide security for these jurors?

Mr. Justice O'BRIEN.—Hand up the book to that gentleman. Your's is not a usual question, sir, nor a right question.

Mr. *Bolton*.—Let him stand aside.

95. Henry C. Bloxham, Terenure-road, challenged.

16. Frederick Maples, Marino House, Blackrock, challenged.

58. William Owen, 54, Dame-street, sworn.

47. James P. O'Reilly, Eglinton-road, sworn.

82. Stephen Breslin, 57, William-street, stand aside.

46. Robert White, 1, North Frederick-street, challenged.

36. Robert Shaw, 62, Lower Mount-street, challenged.

31. Maurice Leonard, 94, Thomas-street (who served at last Commission on three trials), stand aside.

21. George O'Neill, t.c., 7, Henry-street, sworn.

65. Robert Mason, 106, Talbot-street, stand aside.

49. Arthur Rotheram, Longford-terrace, Monkstown, challenged.

53. Wm. Slater, 58, York-street, stand aside.

42. Wm. R. F. Godley, Forthill, Chapelized—

Mr. *Daly*.—Challenge.

The Clerk of the Crown.—You have already exhausted your challenges.

Mr. *Daly*.—Had I known so, my lord, I would have made no remark.

Mr. Justice O'BRIEN.—I quite believe so, Mr. Daly, nothing is imputed to you.

Mr. Godley was then sworn.

59. James King, Crosthwaite Park, Kingstown, sworn.

The jury having answered their names as follows:—Henry A. Philipson (foreman), John Low, William Glenn, Michael Roe, Thomas W. Russell, John Martin, John Miller, William Owen, James P. O'Reilly, George O'Neill, William R. F. Godley, and James King.

The SOLICITOR-GENERAL.—May it please your lordship, gentlemen of the jury, it is my duty to bring before you shortly, and I hope to do so clearly, an outline of the evidence which will be given before you in reference to the charge of murder for which the prisoner at the bar stands indicted. It is no part of my business in an opening statement to do more than endeavour to explain to you the circumstances under which, so far as we know, the crime—the subject of this inquiry—was committed, so as to enable you to understand clearly the bearings of the different portions of the testimony that will be given before you here in Court, and I shall endeavour to discharge that duty dispassionately, and with the single view of helping you

so far as I may be in a position to do so, to come to a correct conclusion when you have heard the case fully throughout. The murder which is the subject of this inquiry was one of a very appalling character—that, unfortunately, is of late no novelty in this country, and I am not aware that in any of the circumstances of the crime with which the prisoner is charged there are any features of a very exceptional or abnormal character. It is a crime horrible and appalling, but still not without parallel—not without, unfortunately, too many parallels in this country. On the 3rd of January last an elderly man, named Joe Huddy, who was a bailiff on the property of Lord Ardilann, in the county of Galway, left his home accompanied by a grandson, named John Huddy, early in the morning. He lived at a place called Creevagh, I believe, and he left for the purpose of serving a number of ejectment processes upon tenants upon Lord Ardilaun's estate. His destination was the townland of Cloughbrack, a townland upon the shores of the north-western portion of Lough Mask, in the centre of a district which has, unfortunately, acquired a very terrible notoriety of late. I do not say that for the purpose of asking you to infer that the prisoner at the bar was in any degree guilty of the murder unless the evidence leads your minds to that conclusion. Gentlemen, the townland of Cloughbrack appears—at least that portion of it which is the scene of the transaction which forms the subject of the present inquiry—to be rather densely inhabited for a country district. There is no town or village there, but the farms are small and the houses are close to one another. Huddy the bailiff had received from an official in the office of Lord Ardilaun's land agent, some time about the end of the month of December, a number of processes which I believe had to be served, at the latest, on the 3rd of January. I am not quite certain that that is strictly accurate, but I believe it is—that the 3rd of January was the last day upon which they could be served. He went accompanied, as I have told you, by a grandson of his, a boy fifteen or sixteen years of age, along a leading road which you will see laid down upon the map that I will hand up to you, which passes through the townland of Cloughbrack, leading from Clonbur, in this direction (pointing to the map), along the shore of the lake. This map, I may tell you—of course it has not been proved, but there is no doubt it will be proved, and without any objection on the part of the prisoner's counsel—I will ask you to take the map, and you will by its aid be able to follow the statement I make more clearly than otherwise you would be able to do. [The map was then handed up to the jury.] Among the processes which Huddy had with him, and which it was his duty to serve, was one addressed to a man called Pat Higgins which man, Pat Higgins, is the prisoner at the bar. You have heard him described in the indictment as Pat Higgins (Long). The adjective "Long" is added to his name. It is part of his colloquial designation to distinguish him from other persons in the district, and it is a common practice in the county to apply those names. You will find that there is another person of the name of Pat Higgins who is known as Pat Higgins (Sarah), but the prisoner at the bar is the Pat Higgins—the one man for whom Huddy had the ejectment which it was his duty to serve on the 3rd of January. We know from the evidence that will be laid before you that on that morning at an early hour which we are not able to fix more clearly than that it was about the customary breakfast hour in that part of the world, Higgins and his grandson went on foot to the house of a woman called Mary Walsh. You will see her house laid down somewhere near the right hand corner of the map, near the main road leading from Clonbur. There can be no doubt that the grandfather and grandson had turned off to the main road, and at a point at the extreme right hand corner of the map they had then gone down to the house of a woman named Mary Walsh, at which it will be proved that old Huddy had actually served a process, and that they then went on in the same direction over through the fields, or through a country road down to the house of a man named Pat Moran, and that you will see laid down on the map there, from which place it is said that they made their way across the fields to another road which goes back again into the main country road where you will see a house at the junction of the road and near a place called America. It is the house of people named Kyne and Kenny, and there can be no doubt, that along that road the two Huddys went early that morning, and emerged there upon the main road. They were then seen afterwards going along the main road, past the house of a person of the name of Flynn, and I think we shall be able to produce witnesses from some of the houses in the place, who saw them passing along in that direction near the houses, and up towards the house of a man, called John Macken, and saw them passing along the road, about the time when the inmates of the house were engaged at their breakfast. You will see, gentlemen, at that point where John Macken's house is near the road—you will see upon the other side of the road leading off down again towards the left hand,

another lane or boreen leading down past a number of houses. I am not sure whether the scene of the murder is laid down on the map that you have before you ; but there is another map on the table which has a track marked on it ; but if there is any other indication on the maps before you—anything that would do more than indicate merely what a map should disclose—you will, of course, disregard it until you hear the evidence. We have a large map here which does contain some tracks which must be more or less matters of evidence, and for that reason I do not propose to use the large map just now. The course of events I have described occupied a very short time, and it was still quite early in the morning—about that time when the inhabitants of that district are at their breakfast—that Huddy and his grandson went down, having been seen living and healthy men upon the high road when they passed Flynn's house. Until comparatively recently the details of what happened were not known. The trace was lost at the corner of that boreen. The family of the old man made anxious inquiry, and alarmed the police. The disappearance of these two men in the broad daylight, engaged upon the work upon which they were employed at that moment, in a part of the country such as that in which they were occupied, left no doubt that there had been foul play in reference to these men. Every exertion was made to discover the traces of the crime, and to find the bodies. In the course of these exertions a steam launch was brought across country from one of Her Majesty's ships, and was engaged in the work of dredging and searching the lake, and on, I think, the 26th of January, that is three and twenty days after their disappearance, the bodies of both men were raised from the waters of Lough Mask—at a place near some of the small islands that are laid down on the left of that map—the precise position of which will be proved to you, if it becomes at all necessary or important to do so. Both the men were found to have been assassinated, and to have been assassinated by pistol or gunshot wounds. One of them was found tied up in a sack, and both of them had weights attached, stones, to keep them from rising. But, nevertheless, after the discovery, it was not until the course of the summer of the present year—I think the month of August—that more definite information or knowledge was acquired as regards their fate. Gentlemen, on the course of that boreen leading off from the main road, which I will call the boreen throughout the case, as the witnesses will so describe it—there are a number of small houses, one of which you will see marked “Pat Higgins.” That house is the house of the prisoner at the bar. When the body of Joe Huddy had been raised—discovered and raised from the waters of the lough—a number of ejectment papers were found upon his person. There was no process, either original or copy, addressed to Higgins. He had gone with the process to be served at Higgins' house ; when he was found, although a number of other papers were there, the process for Pat Higgins was not discovered. The inference from that would probably be—I do not ask you to take it as more than an inference—the inference from that would probably be that he had served the process at the house of Higgins ; or that if he did not serve it, that at any rate whoever had committed the deed must have removed from his person those documents before he was deposited in the lake. There was another process which he had had for a man of the name of Matthias Kerrigan. Matthias Kerrigan's house was next to the house of Pat Higgins. There were processes also for other persons, a considerable distance further along the boreen, of the name of Kyne. Those he undoubtedly had with him—those it was his object and his duty to serve. Those, I believe, were found upon his body after death, and undoubtedly he never reached Kyne's house to serve them. In the absence of any definite clue, Kerrigan, whom I have mentioned to you, was arrested, and Kerrigan remained in custody for a considerable time ; and inasmuch as he will be produced before you as a witness, and an eye-witness, of the terrible event which is the subject of your inquiry, it is necessary and right that you should know at the earliest moment that, in the first instance, suspicion of complicity in reference to that event fell upon him. Owing to causes which, possibly, we might readily enough understand, here in this court ; and remembering what has taken place in reference to the vindication of the law of late, evidence which previously was not forthcoming is now at the disposal of those who are concerned in investigating this terrible event. That evidence will be laid before you, and will be by eye-witnesses of the foul crime which I am now about to describe to you. Gentlemen, the model on the table indicates the nature of the ground to which I have been inviting your attention. This (pointing to the model) is the boreen leading down from the main road—this (again pointing to the model) is the house of Pat Higgins (Long), who is now the prisoner, and this (again pointing to the model) is the house of Kerrigan. Huddy and the grandson having passed Higgins's house, where undoubtedly they must have served the process, and I only state it as an inference, it is not a matter that I am actually in a position to prove, proceeded then, these men, until they came to near the corner of Kerrigan's house. At the

point near the corner of that house, three persons who are all indicted for this murder, namely, Pat Higgins (Long), the prisoner at the bar, Thomas Higgins, another person implicated in it, and charged in the same indictment, and a man of the name of Michael Flynn, came behind the Huddys, and when they had just reached that corner of the house, the prisoner at the bar with a stone felled the old man to the ground, and then shots were fired into him from pistols by the persons who were concerned in this terrible crime. The shots were fired by the other two men, Thomas Higgins and Michael Flynn. The young lad fled for his life. He was pursued down the boreen in this direction (pointing to the model) and he was overtaken at the corner of the barn, still upon the same boreen, knocked down by Michael Flynn, and Michael Flynn and Thomas Higgins despatched him as they had previously despatched his grandfather. All this happened in the broad daylight, early in the morning, about a latish breakfast hour for country people. It was actually witnessed by Kerrigan himself, who has come forward to disclose what he knows in reference to it. It was actually witnessed by Kerrigan's wife, who will also be produced before you. Two sons of Kerrigan, one of them a boy of eleven or twelve years of age—another an older lad of fifteen or sixteen, were also present during a part of this occurrence. I do not believe it will appear that either one or other of them saw the murder of old Joe Huddy, but they came on the scene immediately afterwards, and they will tell you that they saw the body of Joe Huddy, the grandfather, placed in a "cleave"—that is a sort of a basket that is used for carrying turf—that they saw it taken up by Pat Higgins (Long)—the prisoner at the bar—upon his back and removed by him in an opposite direction than the boreen—out in the direction of the lake. About the time when the assassination took place the prisoner was seen on the spot by two other persons who will be produced before you, persons of the name of Halloran, I think father and son, whose house you will see upon the map, on the other side of that boreen, who, hearing the shots, ran out and took a hasty, startled and terrified glance at what was going on, and were able to see, and who saw and will swear to Pat Higgins (Long) the prisoner at the bar—being upon that occasion in the boreen with other persons they saw there. Whether he was the taller man there and more easily seen over the walls—whether that was at all the reason I am unable exactly to say—they will be probably be tested about it, but they saw and can swear to him. Pat Higgins, having gone on with his ghastly burden, the body of the younger Huddy was placed in a sack, and then a transaction occurred of a most extraordinary character. A sack, I believe, was got out of Kerrigan's house, and a transaction occurred, as I have said, of a most extraordinary character, indicating a determination on the part of those who were engaged in this assassination in the broad daylight, that as many as possible should be brought into contact with the bloody work upon which they had been engaged. The elder one of the young Kerrigans was seized; the body of young Huddy in the sack was placed upon his back, and he was compelled to carry it in this direction (pointing to the model) towards the lake. Shortly afterwards another lad, named Mannion, also, I think, a son of a tenant in the same neighbourhood—for I see the house of a man named Mannion laid down on the map near the boreen coming along. After Pat Higgins had disappeared in the direction of the lake, with the body of the old man, Mannion was stopped, the sack was taken from the back of young Kerrigan, and placed upon Mannion's back, and he, too, was compelled to carry it some distance along the lane until he either fainted or fell under it at the corner of the boreen, when it was placed upon the back of another person who had then come up—a man also named Pat Higgins (Sarah), and by him it was removed in the direction of the lake. And so far as those connected with the Crown are concerned, that was the last that we know definitely of the horrible transaction. I have told you that the bodies were fished up, twenty-three days afterwards, out of the waters of Lough Mask. There are boats easily available and accessible at that portion of the lake, and there can be no doubt that the persons accused would have had no difficulty if they got once clear of observation or got clear of the observation of all persons other than those who are their friends, or who were too terrified to interfere with them—there would have been no difficulty in disposing of the bodies as they were afterwards found to be disposed of. Gentlemen of the jury, I know not what line of defence will be suggested in reference to the conduct of the prisoner at the bar—whether an attempt will be made to show, as is so often done, that he was not there at all upon the occasion in question. Or again, whether it will be attempted to be shown that, although he may have been there, he had nothing whatever to do in relation to this transaction. Gentlemen, I believe we shall be able to identify him with this bloody work, not alone by the circumstances of the case, not alone by the ejection which was to have been served upon him, which must have been served, and never afterwards was discovered—not alone by the motive, by, as I have said, the circumstances of the case—but by the

evidence of six eye-witnesses, who saw him there at the time—namely, the four Kerrigans and the two Hallorans. We shall be able to prove by other witnesses the presence of the other prisoners who have been named—Tom Higgins and Michael Flynn. I do not intend to dwell upon that part of the case, nor do I intend that the evidence directed to it shall be gone into with any minuteness of detail. There may be matters in that evidence which may be made legal proof against them when they come to be tried, but which it would be neither legal nor proper to endeavour to put in now; their presence there will, however, be proved. But then, just, take this view of the matter for the sake of illustration—if you had no evidence in the case except proof such as I am informed will be given to you, of the presence of this man at the spot immediately after the shots were fired—that circumstance of itself would demonstrate his complicity in the crime, unless he could prove that he was there endeavouring actively to prevent it. That is a brief outline of the case which we expect to be able to prove before you. If we do prove it, we shall call upon you to give your verdict without hesitation in the case. Your duty is a difficult one; it is an arduous one; it is an honourable one. It is not your duty to convict in any case unless you believe that the evidence proves the case before you. If you believe that it does so, you are there, under the most sacred sanction that can influence human beings, to discharge that duty. But it would be affectation for us here in this court to deny that attempts have been made to work upon the fear or to work upon the weakness of men who may be supposed to be capable of terror and intimidation, but I shall not insult you by supposing that I am addressing men of that kind. The state of the country has been bad enough, but I do not attempt to ask you to find a verdict against a man in reference to whom you have a doubt, in consequence of the state of the country, or in consequence of the effect of any verdict that may be given here. But the state of the country is such that now there is imperative need in the administration of our courts of law, not merely for intelligence, but for firmness, and for decision and for courage. I call upon you to display all these qualities, and I am sure that that appeal will not be in vain. Any one connected with the administration of justice has an arduous and a difficult duty imposed upon him, from the judges upon the bench down to the humblest persons—the administration of justice and the enforcement of the law is accompanied by all that is arduous, difficult, and disagreeable; but at the same time it is a task which is imposed upon you and upon all of us by the law of the land, and by the obligation which you have taken on a power higher than the law of the land. I feel confident that you will discharge that duty calmly, mercifully, towards the prisoner at the bar—mercifully and carefully—attending to all the evidence and listening with sedulous attention to everything that can be suggested or said on his behalf. But at the end of the case, if you feel that the case is clear and not permitting of any doubt, and that you have got here before you the man who committed that crime, or who was implicated in it, you will do your duty to your country and to your God.

John Henry Ryan sworn, and examined by Mr. MURPHY, Q.C.

Mr. Ryan, you are a civil engineer, resident in Dublin?—I am.

Did you visit this district called Cloghbrack in the neighbourhood of Lough Mask?—I did on two occasions—two or three occasions.

Did you make a map of which there is a copy on a smaller scale now before the jury?—I did.

And also this large one?—Yes, and that large one (on the table).

Have you on this large map represented by these black dots the number of houses in this place called Cloghbrack Lower?—Yes, these black dots represent the houses there.

Does this down here (pointing to map) represent Mary Walsh's house?—Yes.

And that here is Pat Moran's?—Yes.

On the river, just?—Yes, on a small mountain river there.

What kind of ground is there going across here (pointing) to this side road from Pat Moran's to where you have made a blind dot?—After leaving Pat Moran's house for half the distance or more, there is a high hill, then it goes down to low ground of a boggy nature.

Does this, across down here (pointing to map) represent the route a man would take to get to the main road?—Yes—to the main road from Clonbur.

Now, have you represented here the houses of Conroy, Flynn, and persons of the name of Higgins?—I have.

Now, just at this portion of the road—at Macken's house, there is a small boren turning up towards the house of Kerrigan?—Yes—there is a small boren leading up there—a narrow boren.

Tell me, now, what is the distance from Mary Walsh's house to Pat Moran's house?—It is half a mile.

Half a mile from Mary Walsh's house to Pat Moran's. Now from Pat Moran's to the main road, how far?—About three-quarters of a mile.

And to this point you call America, what is the distance?—A little over a quarter of a mile.

If you are right, the scale of this (the large) map, must be wrong; for it is evidently further from Mary Walsh's to Pat Moran's than from that to the road?—Yes. I reversed the distances. I will give you the exact distances now if you wish.

Please. From Mary Walsh's to Pat Moran's first?—866 yards.

Now give me the distance from Pat Moran's across to this first point of junction (pointing)?—585 yards.

And the distance from that to the continuation of the main road—the Clonbur road?—300 yards.

Now, this place—the corner of the Cross-road here called America, over to Macken's house, what is the distance?—550 yards.

Mr. Justice O'BRIEN.—That is to Macken's, where the boreen turns down—just to distinguish it from another Macken's laid down on the map?—Yes, towards Cloghbrack.

Mr. *Murphy*.—This boreen goes up and winding—what is the distance from the corner of the road up to Mathias Kerrigan's house?—235 yards.

What is the length of the gable of Mathias Kerrigan's house that bounds the boreen?—It is six feet back from the boreen, and the house is sixteen feet wide. It is shown on the model.

Mr. Justice O'BRIEN.—Sixteen feet deep you mean?—No, sixteen feet wide, my lord.

What is the length of the gable—the main wall that runs parallel to the road some distance back from it?—Sixteen feet is the measurement of the gable wall running parallel to the boreen.

Mr. *Murphy*.—Will you tell me the distance from the end part of the gable on towards the barn—is that the width of the little street or yard?—Twenty-nine feet from one side of Kerrigan's house to the side of the barn.

Has this model been made under your supervision?—It has.

Does this (in about the centre of the model) represent Kerrigan's house?—Yes.

And does that represent Kerrigan's barn?—Yes—his barn or cow house.

Does this (a road) represent the boreen coming up from that place, I asked you—the junction down at Macken's house with the main road?—It does.

Does this (on right of model) represent the house that is next to Kerrigan's?—It does—the next in that direction.

When was that house placed there?—Only yesterday—it is an addition to the model, made after the main portion was long finished.

Have you an accurate recollection as to which way it faces?—Yes, it should be “slewed” more round—placed more facing the boreen.

It is not quite at right angles from the boreen, as represented on the model?—No, it is at an angle with the boreen.

And does the door look out toward the boreen?—Yes, the addition was got up rather hurriedly, and that house is wrongly placed on.

What is the distance now, tell me, from that house to Kerrigan's house?—Fifty yards.

Is that coming along by the boreen, or in a straight line?—Coming along by the boreen.

Now what's the distance by the nearest route you could go from Kerrigan's house to the edge of the lake. Give it me from John Macken's corner down to the edge of the lake?—About 265 yards. It is 800 yards from Kerrigan's house to the lake, and about 300 yards from Macken's corner to the lake.

Mr. Justice O'BRIEN.—I thought you said 265 yards?—300 would be nearer it—there are bends on the road.

Does the model give a fair description of the ground in this immediate locality?—Yes—it is high ground above the houses, and it falls when you go below them.

Where does this boreen lead on to—does it go to a bog?—Yes, down to low ground, an undefined place; but there is a road turning at right angles from it to the main road.

But does the boreen lead on to a bog?—It does, to low ground—a bog.

Cross-examined by Mr. TEELING.

Just a question or two. The distance you gave from Pat Moran's to the Cornamona road as 585 yards. Now isn't that the course placed on the map here as the imaginary tracks the Huddys are supposed to have taken?—Yes, the track that was pointed out to me.

That is what I want to get. 585 yards are the measure of the

imaginary track from Patrick Moran's to the Cornamona road?—The supposed route of the Huddys that was pointed out to me.

Beyond the model, going out towards the bog there, are you aware that there are the residences of two persons named Patrick Kyne and Michael Kyne. Can you say the distance they are from Kerrigan's house?—I can. In the rough it is about 600 yards.

On the application of counsel for the prisoner, witnesses on both sides were ordered out of court until called.

Mr. *Henry Good* sworn, and examined by Mr. PETER O'BRIEN, Q.C.

Now, Mr. Good, in December last were you assistant in the office of Messrs. Burke and Darley?—Yes.

And were they the land agents of Lord Ardilaun then?—Yes.

Did you know Joe Huddy?—Yes.

He was the estate bailiff?—He was.

Do you remember in December last giving him a number of ejectment processes to serve?

Mr. *Teeling*—My lord, I respectfully object to that question being answered by the witness.

Mr. Justice O'BRIEN—On what ground?

Mr. *Teeling*—I object on several grounds—first, on the ground that any ejectment process, which is a written document, of which he wishes to give evidence, must be produced or accounted for, proper evidence being given to show that secondary evidence may be given of it. I object to the general question as to documents in general being given to the Huddys, which cannot be evidence against the prisoner at the bar.

Mr. *O'Brien*—In December, '81, did you—at the end of December, '81—give a number of documents to the estate bailiff, Joe Huddy?—I did.

Now, at that time that you gave those documents, did Patrick Higgins, the prisoner, owe Lord Ardilaun any rent?—He did.

How much rent did he owe him—did he owe him for a year's rent?—Yes.

How much?—He owed him £5 19s. 10d.

How much did that represent?—Three and a half years.

Now tell me—the documents that you gave that day to Joe Huddy, the estate bailiff—did you see those documents again?—No.

Did you see his body afterwards?—I did.

Amongst them was there an ejectment process against the prisoner?—Yes.

Original and copy?—Yes.

Cross-examined by Mr. *Teeling*.

Now, Mr. Good, how much rent did Kerrigan owe at this time—Mathias Kerrigan?—He owed £13 12s. 5d.

What did that represent in point of rent?—Three and a half years also.

You have told us that the ejectment was given to Huddy for Higgins?—Yes.

Was any ejectment also given to Huddy for Kerrigan?—Yes.

At the same time as they were given for Higgins?—Yes.

I suppose you are aware, as being in this office, that the mode in which a civil bill ejectment is served is by serving the copy and keeping the original?—Yes, I know that.

Mr. Justice O'BRIEN.—That is the legal mode.

Mr. *O'Brien*—Do you know when this service was effected whether they marked on the original process—

Mr. *Adams*—How do you know that.

Mr. Justice O'BRIEN.—At any rate it is the presumption that he did, for he is bound so to do.

Thomas Huddy sworn, and examined by the SOLICITOR-GENERAL.

Are you a son of the late Joseph Huddy?—I am, sir.

He was a bailiff on Lord Ardilaun's property?—He was.

Where did he live?—At Crievagh.

How far is that from Cloughbrack?—Some eight or nine miles.

Is it in the Clonbur direction?—It is.

What age was he at the time of his death?—I could not exactly tell what age he was.

About how old?—About seventy.

Do you recollect the 3rd January last?—Yes.

Were you living at Crievagh?—I was.

With your father?—I was, sir.

Had he a grandson called John?—Yes, sir.

A nephew of yours of course?—Yes sir, he was.

Did you see your father on the morning of the 3rd January?—No, I did not, but I heard him talking in the kitchen. I was in the room.

Did he leave the house?—I did not see him leave the house, but my wife told me——

Mr. *Adams*.—Don't tell what your wife told you.

The *Solicitor-General*.—When you came out of the room he was not there?—He was not then.

Was the grandson in the house that night?—He was.

Did you see him that morning?—I did. He said——

Don't say what he said, there would be objection; but did you see John that morning?—Yes, he came to my bedside and said——

Mr. *Teeling*.—Don't mind what he said.

The *Solicitor-General*.—What matter is it, it is not a police affair. (To witness).—The grandson came to your bedside that morning?—Yes.

Was that before or after daylight?—It was about seven o'clock.

Did you get up shortly afterwards?—I did.

When you got up was your father and nephew in the house?—No.

Then it is no violent inference that they had gone—was there a car there?—I was told——

Mr. *Adams*.—Don't mind what you were told.

The *Solicitor-General*.—Did you see any car that morning?—No, but I heard the noise of a car in the breen.

Was that before you got up?—Yes.

And after you had seen your nephew at the bedside?—Yes.

What age was your nephew John?—He was fifteen, or sixteen, or seventeen.

Did you ever see any of them again alive?—No.

I am not at liberty to ask you what they were going to do. Did you see their bodies afterwards?—I did, at Clonbur Court-house on the 27th January.

That is the bodies of your father and nephew?—Yes.

Well, I need not ask you what injuries you saw—the doctor will tell us that.

Cross-examined by Mr. ADAMS.

Creevagh is eight or nine miles, you say, from Cloghbraek?—Yes.

They are Irish miles?—I reckon them Irish miles.

Mary Walsh, an Irish-speaking witness, sworn, and examined, through the Interpreter, by Mr. MURPHY, Q.C.

Ask her is she the wife of John Walsh, of Cloghbraek?—She is.

Is her husband a tenant of Lord Ardilaun?—She is in with her mother.

Who is a tenant of Lord Ardilaun?—She is.

Ask her does she recollect the morning of January last, when Joe Huddy came to her house? She remembers the day he came to the house to her.

Is her mother's name Bridget Comer?—It is.

Was she in bed when Joe Huddy came to the house in the morning?—She was.

Did she get up to see him?—She did.

Did she get a paper from him?—She did.

Did she see anyone with Joe Huddy that day—any young boy?—There was.

Was that the last day she ever saw him?—Oh, indeed it was.

Did she hear he was missing after that?

Mr. *Adams*.—I object.

Mr. *Teeling*.—We respectfully object to that question.

Mr. Justice O'BRIEN.—Quite right.

Mr. *Murphy*.—She did not see him after that.

The *Interpreter*.—She says she did not.

Cross-examined by Mr. TEELING.

Ask her was she herself sick that morning?—She was.

Was that the reason she was in bed?—That's the reason she was so late in bed. She was a quarter on her bed.

Mr. Justice O'BRIEN.—A quarter on her bed?

The *Interpreter*.—She says up and down in bed for a quarter of a year.

Mr. *Teeling*.—Was it about ten o'clock that Huddy came to the house?—Gentlemen, she could not tell the time.

Was it before or after breakfast?—She cannot say for she was not up.

Were the other members of the household up?—There was no one to get up but a child three years old and herself.

Mr. *Daly*.—She said something there about a funeral?

The *Interpreter*.—She did, sir, but it was not in answer to the question.

Mr. *Adams*.—Interpret everything she says.

Mr. *Teeling*.—Ask her who were the other members of her family?—Her mother and her husband.

Were they at a funeral that morning?—They were, since the Monday morning previously.

Ask her were they at the wake?—They were.

Ask her whose wake it was?—His sister-in-law.

What was her name?—She says her brother

What was the name of the deceased person?—Joseph Joyce.

Where did Joseph Joyce live?—At a place called Crumlin.

How far is Crumlin from her place?—It is a long distance.

Is it over five or six Irish miles?—It is if they went down the road.

Ask her does she know what day the funeral took place?—She does.

What day was it?—On Christmas eve.

What day?—She says the night before little Christmas.

Ask her did the funeral take place on the morning that Huddy was there?—It did.

Mr. *Murphy*.—Was her husband in the house the night before Joe Huddy come there?—He was not.

Was her mother?—She was not.

Mr. *Teeling*.—Now ask were they at the wake of Joyce?—They were.

Catherine Morin sworn, and examined by Mr. O'BRIEN, Q.C.

Are you the wife of Patrick Morin?—Yes.

Now, is Patrick Morin a tenant of Lord Ardilaun?—He is, sir.

And he was so on last January, a tenant also?—Yes.

You remember seeing Joe Huddy on the morning of last January?—He served me with a process.

Was there any person present when he gave it to you?—There was not.

Now tell me was there anybody with him?—I cannot swear to it; I think there was a boy, but I cannot swear to it.

Tell me about what time was it in the morning?—I think it was between eleven and twelve o'clock, I think.

Was it after your breakfast?—It was a good bit after it.

Do you call that early in the morning?

Mr. *Adams*.—I object to this witness being cross-examined.

Mr. Justice O'BRIEN.—That is a matter entirely for me to determine on seeing the deposition.

Mr. *Adams*.—You will take our objection, my lord.

Mr. Justice O'BRIEN.—I will take no objection.

Mr. *Adams*.—Simply, my lord, the fact of our making objection.

Mr. Justice O'BRIEN.—I think he has a right on the deposition this woman has made to cross-examine her.

Mr. *O'Brien*.—What time was it?—About eleven o'clock; I was getting ready to go to twelve o'clock mass at Clonbur.

How far do you live from that?—Three miles.

Do you call that early in the morning?—I don't call it early.

Now, did you state before that he was there early in the morning—were you before the magistrates?—In Galway?

Yes, in Galway—didn't you state that Joe Huddy came there early in the morning?—Well, I don't think I did. I did not.

You did not you think?—I think I did not. No, I could not say that—

Wait a moment—listen to your original information.

Mr. *Teeling*.—My lord, I object to this deposition being read at present. They are not in a position to read it at present.

Mr. Justice O'BRIEN.—He has a right to hold it in his hand, and ask did she swear that—

Mr. *O'Brien*.—The original document has been sent for. (To witness)—You remember being before the magistrates in Galway?—I do.

Very well; do you see that document—"Catherine Morin"—is that your mark?—It is, sir.

Now did you state then before the magistrate—was it read to you?—I don't know in truth.

Were you asked whether the contents were true?—I don't remember.

Were you sworn?—I was sworn.

Were you sworn to tell the truth?—I was.

Mr. *Adams*.—This is not being interpreted to the prisoner at all if it is any matter.

Mr. Justice O'BRIEN.—Ask the questions so that they may be interpreted.

Mr. *O'Brien*.—Did you tell the truth?—I did.

Now did you swear this?—

Mr. *Teeling*.—I object, my lord, at this stage also. They are not in a position to prove this. This woman's mark is to a paper which she says was not read to her.

Mr. Justice O'BRIEN.—He is in a position as if he examined the

witness direct, and you found some statement contrary to what is in the deposition. The ordinary right to cross-examine involves it once I give the leave to cross-examine.

Mr. *O'Brien*.—Did you state before the magistrates this—"On the morning of the murder of the Huddys, Joe Huddy served me with an ejectment against my husband?"—Yes.

"There was a boy with him"?—I passed the remark that there was a boy with him.

Did you state that?—I did not swear to it, but I passed the remark of the boy being with him.

Did he come in?—He did not. I don't want to damn my soul for it.

"It was early in the morning"—did you say that?—I had my breakfast taken, I had neither clock nor watch, but I was going to mass.

Did you say before the magistrates "This was early in the morning"?—I would call that early till twelve o'clock.

Mr. Justice O'BRIEN.—Do I understand your last answer to be—that you would call it morning till twelve o'clock?—Yes, if I met a man on the road I would bid him "good morning" till twelve o'clock.

Mr. *O'Brien*.—Now, to go back. I am asking you what you said before the magistrates—"This was early in the morning"?—I did not swear to that, I don't think I did, on my oath.

Now, tell me, did the magistrate read out to you, or did anyone in your presence read that deposition?—It was not read in my presence, it was read in the presence of the court.

Were you there?—I was standing by.

Did you hear it?—I could not explain one word of it.

After the reading out was finished, were you asked to put your mark to it?—I did not put my mark to it, I signed it.

Mr. *Teeling*.—We ask her no questions.

A *Juror*.—(Mr. Russell).—How far is your house from the Catholic church at Clonbur, where you were to be at mass?—Three miles.

Irish miles?—I was going to mass.

Were they Irish miles, I ask?—Yes.

How long would it take you to walk that distance?—Nearly two miles.

Mr. Justice O'BRIEN.—Nearly two hours.

The *Juror*.—Nearly two hours to go to the Catholic church at Clonbur where you were to go to mass?—It would, unless I was in a hurry.

James Flynn, an Irish speaking witness, sworn, and examined by the SOLICITOR-GENERAL.

Ask him where he lives?—At Cloughbrack.

Does he know the main road?—He says why not know the road where he was bred and born.

Had he known Joe Huddy?—He had.

When did he see him last alive?—He could not say—that's the date.

But when he did see him?—He had his breakfast in the morning and was standing outside on the road, and he looked over from him.

Where was Joe Huddy?—He was coming from home. He looked then behind him and he saw him coming the road.

Was there any person with him?—There was not.

Where was he going to?—He was turning over like that, and he turned his feet again till he went to the house of a tailor about two miles away.

Oh, that is himself; where was Joe Huddy walking?—He never looked more at him when he saw him going the road.

What road was he going?—He was going on the road to Cloughbrack.

Was he going towards John Macken's?—He was a good bit from it.

He was on the road that would bring him to it?—He was; but I did not see him going to it.

Cross-examined by Mr. ADAMS.

This was in winter, we have heard, in the middle of winter?—He cannot well say.

Ask him what time he eats his breakfast in the middle of winter?—He eat it early, as he was leaving home.

It was after eating his breakfast that he saw Huddy?—Yes, when he went out after eating his breakfast.

Was he going to the tailor's himself?—He was at the time.

Mathias Kerrigan, an Irish speaking witness, sworn and examined by Mr. MURPHY, Q.C.

Ask him does he live at Cloughbrack, and is he a tenant of Lord Ardilaun?—Yes, for the last six and twenty years.

Ask him the name of his wife?—Bridget Kerrigan.

Ask him the names of his sons, his two eldest sons?—Mathias and Martin.

Ask him which of these two is the elder?—Mathias.

What is his age?—Fifteen years last harvest.

What is the age of the other?—Eleven years last harvest.

Did he know old Joseph Huddy?—He did.

Does he recollect the last day he saw him alive?—He does.

Did he on that day see any little boy with him?—He did sir.

Ask him where had his own son gone on the morning of that day?—He went for a load of turf when he got up in the morning.

When he first saw Joe Huddy and the boy that day, where was he himself?—He was in his own barn, clearing oats.

About what time of day was it?—In the morning, early enough—he hadn't his breakfast boiled.

Where were Joe Huddy and the boy coming from?—They came from Cully's house to him.

Was it along the boreen they came?—Along the boreen.

Where exactly were they when first he saw Joe and the boy?—He saw them at the back of the house.

His own house?—At the back of his own house.

He could see that part of the boreen from where he was in the barn?—He could as easily as he could see these gentlemen here.

Did he see any persons follow Joe Huddy and the boy?—He did.

How many persons?—Three.

Had he known those three persons before?—He had.

Ask him to give their names?—Pat Higgins, Thomas Higgins, and Michael Flynn.

Is Patrick Higgins the prisoner at the bar?—He is.

Did he see any of these three do anything to Joe Huddy?—He saw this man (the prisoner) come up to him. He was just by him and he hit him with a stone on the back of the head, and knocked him down on the boreen, and hit him two kicks on being down.

Did he see the other men he has named, Thomas Higgins and Flynn, do anything?—They came up at the very same moment and put shots into him.

What did the little boy do when Joe was knocked down?—He ran.

Whereabouts in the boreen was Joe knocked down?—At the corner of the house exactly in view of the door of the barn.

Was it at the corner of the house that was next to him?—The corner next the street or yard of the house.

When the boy ran, did anyone follow him?—There did.

Who?—Michael Flynn followed him, caught him by the collar of his coat and knocked him down on his nose on the road. Thomas Higgins then came up and put shots into him.

Were Joe and the little boy dead after this?—They were.

Did he see anything done with the body of Joe?—He did.

What was done with him?—They put it down in a basket, and the boy in a bag.

Where was the bag got, in which the boy was put?—That man (the prisoner) went into his (witness's) house, and took the bag off the corner of his loft—ran in and took it out.

When Joe was put into the basket did anyone take the body and the basket away?—This man (prisoner) took it with him.

Did he see, after the boy or Joe was knocked down, where his wife was?—She was in her own house at the time, but she came out to the door of the house to throw out the water of the potatoes boiled for breakfast.

Where was the little boy—did he come out—the little son?—He came out of his house with the basket and a cleave to the witness.

Did his son Matthias come back from the bog before the men had gone away?—He did—he came back exactly when the little boy was being killed.

When the boy was being killed?—Yes sir, that is his answer.

When the little boy was, as he said, placed in the sack, who took him away?—His boy Matthias came up then, and Thomas Higgins caught hold of him and desired him to take and carry that away.

Did any one put it on the son's back?—Thomas Higgins did. The son Matthias was keeping into the yard from them, and not inclined to go, Thomas Higgins said, "Stand out here, if you don't I'll make you sorry."

Did he go at all with him from his own house when the bodies were being taken away?—He did not.

In what direction were the bodies taken?—Down the boreen in the direction of the prisoner's house.

How far had you a view of them as they went along?—He could not see them any more after leaving the house and going towards the prisoner's house.

Very good. Does he recollect seeing anyone going along the boreen after the bodies were taken away from his house. Did he see anyone go down the boreen after the bodies were taken away?—He did: he saw Pat Higgins—Pat Higgins (Sarah).

What direction did he come from ?—From the bog, with the basket of turf on his back.

Did his son Matthias soon come back to him ?—He did : he was not three quarters of an hour when he came back.

Did he see any other person going in the direction that the bodies were carried, excepting Pat Higgins (Sarah) ?—Not at that time.

Does he know where two men named Halloran live, a little above his house ?—He does. John Halloran and another, John's son, neighbours of his, he says.

Is it on the opposite side of the breen from his house ?—Above his house, on a little hillock ; not on that breen at all.

It is on the off side from where his house is ?—So he says, on a little hillock.

Cross-examined by Mr. TEELING.

Will you ask him, if you please, how much land he has from Lord Ardilaun ?—He has £4 worth. He does not know how many acres.

Are those £4 worth of land his only means of living ?—Yes : since he got it, 26 years ago.

He has no other means of living ?—So he says.

For the last 26 years—except £4 worth of land ?—Yes.

Will you ask him where he got the clothes he has on him ?—He got them in Galway gaol.

From whom ?—He does not know from whom, but they were sent in to him.

Did he pay for them ?—He did not know anything about that ; he does not know or understand a bit about it, but that he got them.

Mr. Justice O'BRIEN.—He could understand that if he paid for them ?—Yes.

Mr. Teeling.—Will you just ask him, if you please—he told us he was in Galway jail—when was he first arrested ?—The morning after the Huddys were murdered he was arrested.

The morning after they were murdered ?—The same night he says— the same night that the Huddys were murdered.

He was arrested ?—He was arrested.

Was he then sent to Galway Jail ?—Not for three days and three nights that he spent in Clonbur barracks.

After that was he sent to Galway ?—He was sent then on Saturday night to Galway.

How long did he remain in Galway Jail before he got out—if he ever got out ?—He spent nine months there.

Nine months in Galway Jail. What was he charged with ?—He does not know what he was charged with, but he was taken out that night.

Does he swear upon his solemn oath that he did not know what he was charged with when he was brought to Galway Jail ?—He knew well it was about this transaction, as it was at his house that the job was done.

That the job was done ?—Yes.

And put this to him—as it was in his bag that the body was carried away ?—Yes ; and this is the man that took it out of his house.

Will you ask him, if you please, at the time he was arrested on the night of the murder, how much rent he owed ?—He does not know certain was it two and a-half or three years' rent.

Ask him was he served with an ejectment by the Huddys, for these three years' rent ?—No, he was not, but he was to get it if the man was allowed to go to him.

Then he was not served with it ?—He did not get it.

But he expected it to come ?—What his wife told him.

Don't say what his wife told him. Did he expect it to come was my question. Well I withdraw my objection. Let him tell what his wife said to him ?—His wife told him that his master, Mr. Burke, told him that he was to get a process.

But he swears positively that he was not served with it ?—Yes ; as honest as that paper there.

Now, when did he first give information to the police authorities about this case ?—He told them ten weeks last Sunday.

Was it after that he got the clothes ?—It was not.

It was before ?—Yes.

Mr. Justice O'BRIEN.—Did he say it was before ?—He said it was not after.

Did he say before ?—He got the clothes before he told the police.

Mr. Teeling.—Where has he been living for the past month ?—He was down in Galway for the last ten weeks, until last Monday.

Where in Galway ?—He does not know, but it is in Mr. Hamlin's house.

When did he make his deposition in this case ?

Mr. Murphy.—The 14th October.

Mr. Teeling.—Let us see the original. Ask him to whom the cleave

belonged, that one of the bodies was taken away in ?—He does not know who owned it, but he saw it with him.

Had he a cleave himself ?—Yes, and two.

Will he swear upon his oath positively that the cleave that took away the body was not his ?—Yes ; and he can honestly.

Ask him had he anything to say to the killing of the Huddys ?—No, no more than any other man in this house, and there is many a man in it.

And he swears that positively ?—As true and as honest as the paper upon the table there.

Was it after breakfast that the Huddys came that morning ?—No ; there was no breakfast eaten in the house. It was before breakfast that he came ; but it was on the fire.

Ask him had his son anything to say to this murder ?—No ; no more than himself.

Had his wife anything to say to it ?—She had not.

Was his wife arrested for this murder ?—She was not.

Very well ; were either of his sons arrested for this murder ?—Yes, his eldest son Matthias was arrested for it.

How long was he in jail ?—He is not sure was it three weeks or a fortnight.

Does he swear that his other son was not arrested for it also ?—He was not taken. If he was taken he was not put in jail. He did not see him.

That is to say he does not know ; he was nine months there. Ask him did he not know Michael Flynn well ?—Yes, twenty years and over.

Twenty years and over. There is no mistake about that now ?—There is no mistake in his story.

And no mistake that he knew Thomas Higgins (Tom) ?—Since he was born.

And there is no doubt, now ask him, that Michael Flynn and Thomas Higgins (Tom) were there that morning ?—There is no doubt that they were there certainly.

That is all I have to ask him.

Mr. *Murphy*.—How long was it after he went into Galway Jail, that he got the clothes ?—He is not sure is it a month or five weeks—a waist-coat and coat.

Did he know at all who paid for them ?—He is certain he paid himself for the trousers.

Does he know who paid for the waistcoat and coat ?—He does not know, more than to get them, and put them on him.

Ask him did his wife bring them there ?—It was not his wife brought the coat or the vest.

Mr. *Teeling*.—No ; who was it ?—

Mr. *Murphy*.—Don't be in a hurry ; we will show you a proper time. Ask him about this piece of ground that he does not know the extent of—how does he work it—has he sheep ?—With his spade and his shovel, and with his horse, while God left it to him.

And was the corn that he was threshing that morning ground on the place ?—It was ground on his place.

That is all I have to ask you ; but just tell me now, in addition to the clothes, when you were first in gaol did you get any money ?

Mr. *Teeling*.—My lord, may I ask how does this arise. It arises in no way out of the cross-examination.

Mr. Justice O'BRIEN.—It does. The suggestion is that these clothes were provided for him under circumstances that would lead to the supposition that his testimony was given for improper motives.

Mr. *Murphy*.—We want to see what source the clothes and money come from.

Mr. *Adams*.—Don't put the question in that way.

Mr. *Murphy*.—Very well. Did he get any money while he was in gaol ?—He did.

Mr. Justice O'BRIEN.—That will do.

The *Interpreter*.—He says that they were getting £1 a week there.

Mr. *Murphy*.—From whom ?—He does not know who, but just took it

To whom did he give the money that he got ?—

Mr. *Adams*.—Do you think that is evidence ?

Mr. Justice O'BRIEN.—It is hardly relevant.

Mr. *Adams*.—He will find it very hard to explain what becomes of all our money.

Mr. *Murphy*.—We will see shortly how he got it.

Mr. *Teeling*.—Ask him who has been supporting him since he got out of gaol ?—The Government.

—And is he at present, or was he until he was brought up in custody of the police, in Galway, in the house of Hannan's ?—Yes ; two men.

Bridget Kerrigan, an Irish speaking witness, sworn, and examined by
Mr. O'BRIEN, Q.C., through the Interpreter.

Ask her is she the wife of Matthias Kerrigan?—She is.

Ask her does she know that man there (the prisoner)?—She does.

Ask her did she see that man do anything on the morning in January last to Joe Huddy?—She did.

What was it?—She saw him strike him with a stone at the back of her house.

When he struck him with the stone did Joe Huddy fall?—He did.

Was it in the boreen that he fell?—On the boreen at the back of her house.

Now, when Joe Huddy was down, did that man there do anything else to him?—He did.

What did he do?—Hit him two kicks.

Now, what next did she see done to Joe Huddy?—She saw shots fired into him.

Who fired the shots into him?—Michael Flynn and Thomas Higgins.

Now, ask her was there any young boy with Joe Higgins?—There was.

And when Joe Higgins was knocked down and fired at, what did the young boy do?—He ran back to the boreen, about five yards.

What did they do to him then?—Michael Flynn caught him just as she describes it here to me.

What then?—He knocked him down on his nose on the road.

When he was down on his nose on the road what happened to him then?—Thomas Higgins came then and put a shot into him.

Did she see old Joe Huddy and the boy dead on the boreen?—She did, indeed.

What did she see done with the bodies?—She saw the old man put into the basket, and she saw the boy put into the bag; she saw Michael Flynn hoist the basket on Higgins' back.

On which Higgins?—On Thomas Higgins; Michael Flynn hoisted the basket.

Where was the boy then?—He was in a bag left on the road.

What became of the sack?—It was hoisted on her boy's back. Thomas Higgins got her son Matthias by the collar and put the bag on his back.

Now, when the bag was put on the back of her son in this way, where did they go?—They went off the road, and she does not know where they went after that; that was not what was troubling her, for she was shaking.

Ask her where was her boy, Martin, that morning?—He was at the house.

And ask her where was Matthias?—He was at the bog for a load of turf.

When did he come back?—When old Joe Huddy was murdered, and when the son was being murdered.

About what time was it?—About the time when she was cooking her breakfast.

Ask her when her husband was in Galway jail did she get any money or clothes?—She did.

Who gave her the money?—Himself, when it would be sent to him.

Cross-examined by Mr. ADAMS.

Did you see all this yourself?—Every bit of it.

Ask her if her husband swore that he and his son came out, and that she only came out when it was all over, would that be true. Ask her if her husband swore that he and his son came out, and she did not come out till after, would that be true?

Mr. *Murphy*.—He did not say that.

Mr. *Adams*.—He never mentioned the name of this woman until he said that she came out with water.

Mr. Justice O'BRIEN.—You are applying that to a particular point in regard to time.

Mr. *Adams*.—Ask her did she come out with water?—She threw the water out at the door.

Was that the time she came?—That was the very point she came out at.

Were the men killed then?—They were not indeed.

Ask her was there a shot fired before she came out?—There was not. She was outside when the shots were fired—when she was throwing the water out.

And when she threw the water out she went back?—She left the water-pail inside when the old man was knocked down.

Did she know that her husband was in jail?—Why would she not know.

Did she know what he was charged with?—She knew that it was about this, as it was done at the house.

Did she know that he was charged with the murder of the Huddys?—Exactly.

Did she know that her son was in jail?—She did.

Did she know that her son was charged with the murder of the Huddys?—Exactly: he was.

How long were they in jail before she said a word about Pat Higgins (Long)—to the police or magistrate?—He was three quarters.

Nine months?—Yes.

Did she know that the Huddys had an ejectment against her husband?—Mr. Burke told her that it was so.

Did Mr. Burke tell her at his office that he would send out an ejectment against her husband?—He told her he would send out a process.

Did he say by whom he would send out a process?—He did not.

Did she know that it was Huddy was in the habit of serving processes on the estate?—She knew it was.

Well, she knew that morning. Did she tell her husband that?—She did.

Ask her did she and her husband know that morning that Huddy was going with the process?—She had no knowledge of that more than that, but she found him at the back of her house.

Ask her was she not threatened with a process for the January sessions? Did not Mr. Burke threaten her with a process for the next sessions, before Huddy was killed?—He did, but she did not know what day he would come.

But ask her did she not know that the process-server would come before the next sessions?—Yes; sure the master told her that the process was to come, but she could not tell what day it was.

Ask her did she know that the sessions were to be held at Outerard in January?—And sure if it was, was she not making out her rent against that time.

Tell me. Were there many people from the neighbourhood in jail about the Huddys?—There were.

Were they all let out and her husband kept in?—That is exactly right.

Were they all let out three weeks after they were taken—all the others?—Yes, some of them.

Were they not all let out before her husband and she said a word—before they gave the information?—They were all let out.

Does she know that her husband was still in custody?—As a prisoner.

As a prisoner?—She knows well he is not, since he is free of the charge.

Since he gave the information?—She says that the sergeant told her he was free.

Free?—Yes.

Since he gave the information?—Yes.

Mr. *O'Brien*.—Ask her, during the time that her husband was charged with the murder was she getting money during that time?—In the prisoner.

Yes?—'Twas she.

How much a week did she get?—It might be by the week, it might be six weeks sometimes, as he would have it saved or spared.

And about how much did her husband send her?—She could not count how much she got—she is speaking to the best of her judgment.

Matthias Kerrihan, an Irish-speaking witness, sworn, and examined by the SOLICITOR-GENERAL through the Interpreter.

Does he remember the morning the Huddys were killed?—He does not.

That is, he does not remember the date, I suppose?

Ask him was he at home the morning that the Huddys were killed?—He was for a load of turf.

When he came back with the turf was it before or after breakfast time?—That is the time. His breakfast was cooking by his mother.

Was he coming back for his breakfast?—He was.

When he came down to his house did he see any one there?—He did.

Whom did he see?—He saw Pat Higgins there and Michael Flynn and Thomas Higgins.

Does he see Thomas Higgins here?—He does.

Did he see Michael Flynn and Thomas Higgins doing anything?—He saw them murdering the boy.

What boy?—Young Huddy.

Where?—At the back of the barn.

How were they murdering him?—They were right over him, murdering him with shots. Thomas Higgins he names.

Was that on the boreen?—On the boreen.

Mr. Justice O'BRIEN.—He says they were right over him, murdering them with shots, and then he says Thomas Higgins?—Yes, my lord.

Mr. O'Brien.—Who was firing the shots?—Thomas Higgins.

And where was Michael Flynn at that time?—They were both over him, and he saw shots firing.

Where was Pat Higgins at the time?—Standing on the boreen or road.

And he saw old Joe Huddy?—He saw him murdered on the boreen.

Did he see him being murdered—the old man?—He did not; he was killed before him.

A Juror (Mr. Russell).—What is the last answer?

Mr. Justice O'BRIEN.—He says he saw him murdered on the road, and there being a doubt as to his meaning, he said he was killed before his arrival.

The Solicitor-General.—When he first saw Joe Huddy was Joe Huddy living or dead?—He was dead—he was killed.

Was there anyone near him at that time?—Yes; Pat Higgins, the prisoner.

Did he see anything done to the body of Joe Huddy?—It was put into the basket.

By whom?—Pat Higgins and Michael Flynn.

And what became of it then?—Michael Flynn raised it, and put it on him.

And what did Pat Higgins do with it?—They went down on the road before them.

Was that in the direction of the lake?—Drawing down towards the road.

Did he see anything done to the body of young Huddy?—He saw it put into the bag.

Where was the bag got?—He does not know, for they had it when he came.

What was done with it afterwards?—It was hoisted on his own back.

On the witness's back?—On the witness's back.

By whom?—Thomas Higgins.

What did Thomas Higgins say to him?—He said to the witness “be at him,” and the witness said he would not; and Higgins said that he would or he would not be thankful for it.

When it was put up on him where did he go with it?—He brought it as far as James Corbett's.

Mr. Justice O'BRIEN.—Is the word “thankful” meant to say that he would be sorry for not doing it?—Yes.

The SOLICITOR-GENERAL.—Had Patsey Higgins gone on before?—He went on before them—he went in front of them.

How far did the witness carry the body of the boy?—As far as James Corbett's house.

And what was done with it then?—Pat Mannion came out of James Corbett's house; Thomas Higgins came out and dropped him, and said it should be put on his back.

And was it?—Yes.

On Mannion's back?—Yes.

What did Mannion do with it?—He brought it out on his own little cross-road.

And what happened then?—Mannion turned up to his own house, and Pat Higgins (Sarah) came over the road. Thomas Higgins then raised the bag on his back.

And did he carry it off?—He took it down the road.

Was that the first time he saw Pat Higgins (Sarah)?—That is the first time that day.

And how far did he see Pat Higgins (Sarah)?—Until he went down—until he left his sight.

Could he see him as far as the end of the road?—There was a great hillock between him and the lake, and they left his view.

Cross-examined by Mr. TEELING.

Ask him was he not also in jail charged with this murder?—He was.

Ask him how long he was in jail?—He is not sure whether it is a fortnight or three weeks.

Charged with this murder?—Yes.

Together with his father?—Yes.

Ask him how far from his father's house is the place he had to go for the turf that morning?—He does not know the number of miles, but it is a good distance.

Mr. Justice O'BRIEN.—Ask him how long would he take to walk to it?—He says a short time. It would take him half an hour.

Mr. *Teeling*.—To go to it?—He says it would take an hour to go to it and from it.

Did he return with the load of turf on his back that morning?—Not on his back, but on an ass.

What time in the morning did he leave to go for the turf, about what time?—When he got up.

What time was that?—It was very early, but he had neither watch nor clock.

Mr. Justice O'BRIEN.—Had he the light of day?—He had.

Mr. *Teeling*.—In the month of January he had the light of day to go to the bog?—Yes.

On the day of the murder?—Yes.

Ask him has he told us every one who was in the boreen with the bodies that day?—He has.

There was no body else except the persons he has named?—Not except those he has named.

Very well. That will do.

A *Juror*.—Ask him what is the usual hour for breakfast. Does he get his breakfast the first thing in the morning?—

Mr. Justice O'BRIEN.—The juror wishes to know what time he usually gets his breakfast, about what time in the morning?—The best way he can answer is that when they get up out of bed the mother puts on the breakfast.

Mr. *Teeling*.—Does he not in the winter take a longer sleep than in summer?—He sleeps longer in the winter.

The *Solicitor-General*.—There was a question omitted to be asked. Ask him if he saw Mannion carrying a bag?—He did.

Did he see anything happening to Mannion before he gave up the bag?—He puts a question to me by way of answer, and asks "did he fall."

Ask him did he fall?—He was tripped out on one knee.

Where was that?—At James Corbett's, when he halted.

Was it after that when he gave up the sack?—Yes, when he brought it to his own little cross road, sir.

Martin Kerrigan called.

Mr. *Adams*.—Before this little boy is sworn, he ought to be asked if he understands the nature of an oath?

Mr. Justice O'BRIEN.—Has he made a deposition?

Mr. *Murphy*.—He has.

Mr. Justice O'BRIEN.—Then I will receive his evidence on that ground alone.

Martin Kerrigan sworn, examined by Mr. MURPHY, Q.C.

Ask him does he live with his father at Cloghbrack?—He does.

Ask him did he know a man called Joseph Huddy?—He did not.

Does he recollect being in his house one morning, and hearing shots?—He does.

Where was he when he heard the shots?—He was going out to the barn with a basket.

After he heard the shots did he walk out to the boreen?—He did.

Did he see any persons on the boreen that he knew?—He did.

Who were the men that he knew?—He saw Pat Higgins, Michael Flynn, and Thomas Higgins (Tom).

Is this the Pat Higgins that he saw (pointing to the dock)?—Yes, that is the man, and Michael Flynn, and Thomas Higgins.

Did he see any dead bodies in the boreen?—He did.

How many?—Two.

Where on the boreen were the dead bodies?—The old man was at the back of the house, and the boy at the back of the barn.

Were they both quite dead when he saw them?—They were not, but he saw Pat Higgins strike the old man with a stone, and knock him down.

Had he known the old man before that?—He had not.

Did he see anything done with the two bodies?—He saw the old man put into a basket, and the boy into a bag.

Did he know where the bag was got?—He did not.

When the old man was put into the basket, who took it away?—Michael Flynn hoisted it on Pat Higgins's back.

Did he see what was done with the little boy's body?—Put into a bag head foremost.

What was done with it then?—It was put into the bag head down and feet up.

What was done with the sack then?—His brother came with a load of turf, and Thomas Higgins put it on the brother's back.

Where did they go with the bodies then?—They went down the boreen.

Did he see any other person coming down after them along the boreen?—Pat Higgins (Sarah) went down after them.

Did he see Pat Higgins (Sarah) at all when they went down with the

bodies?—He did not. He was coming with a basket of turf; the others had gone on before.

Did he see his brother coming up with the turf?—He did.

Ask him had he taken his breakfast that morning before he saw the men killed or dead?—He had not.

Was his brother-in-law away before he came back?—He was not.

Cross-examined by Mr. ADAMS.

Was it after he heard the shots he came out?—He was going out to the barn with the basket.

When he heard the shots where was he?—He repeats he was going out to the barn.

Did he ever swear that he was in the house when he heard the shots?—He did not.

Does he swear solemnly now that he was in the barn when he heard the shots?—Going to the barn.

With the basket?—Yes.

Was he in the yard?—Going out to the street or yard, and to the barn.

Mr. Justice O'BRIEN.—Was he outside the doorway when he heard the shots?—He says he was, my lord.

Mr. Adams.—Did he make a deposition in this case?—He did.

Did he swear this—"I heard shots; I was then in the house; I went out to the door?"—He says on his conscience he is not sure.

Mr. Justice O'BRIEN.—Ask him which is right.

Mr. Adams.—Which is true?—He says he was going out with the basket.

Mr. Justice O'BRIEN.—Was he out of the house?—He was outside of the door when he heard the shots.

Mr. Adams.—Ask him if he swore he was then in the house and went out to the door would that be true?—It would not be true.

Ask him did he swear on that table he saw Pat Higgins knock the old man with a stone?—He did.

Ask him was the old man alive then, and standing up?—He was. He was knocked with a stone by Pat Higgins.

Was he alive when Pat Higgins knocked him with a stone?—Pat Higgins took the stone off the top of the wall, and struck him.

Ask him did he also swear the two men were lying dead when he came out of the house?—He did not.

Did he swear this—"I was then in the house, and went out to the door; I saw long Pat Higgins on the boren; I also saw Tom Higgins and Michael Flynn there; I now see them and point them out; I saw the two dead bodies lying on the boren." Ask him is that true?—He says he saw them firing the shots too.

Ask him did he say one word before the magistrate about striking with a stone or firing the shots?—He did.

Was it taken down?—It was put on paper.

Mr. Adams.—We will put in that deposition, which I will read to the end of it. Ask him was he out of the house, or how long was he out of the house before he saw Pat Higgins strike the man with the stone?—He was a little bit of the door.

Was he long?—He only went outside the door.

Did he know his father was in jail on a charge of murdering the Huddys?—He did.

Ask him had he any talk recently with anyone about what happened that day?—He had not.

Ask him is he living with his mother?—He is.

Did she ever say anything to him about what he saw that day?—He says did not herself see it.

Had she any conversation with him about that day?—She had not.

Ask him was he told by anyone what he was to swear here to-day?—No.

Did his mother ever say a word to him about what he was to swear to-day?—She did not.

Nor his father?—No.

Nor any one?—No.

Nor his brother?—Not a word.

He had not a word of talk at all with any one about it?—No; did they not see it themselves as he did?

Did his father or mother or he ever talk a word since that day about what happened?—His reply is no; they saw it as well as himself.

Mr. Adams.—We will read the deposition.

Mr. Justice O'BRIEN.—Very well.

Mr. Murphy.—We will read it.

Mr. Adams.—I will read it in order that it may be distinctly understood by whom it is put in. It is as follows:—

"Depositions of Martin Kerrigan, of Cloughbrack.—I am son of Mathias Kerrigan of Cloughbrack. I was at my father's house the day the men were killed in the boren. I heard shots. I was then in the

house and went out to the door. I saw long Patt Higgins on the boreen I also saw Tom Higgins and Michael Flynn there. I now see them and point them out. I saw the two dead bodies lying on the boreen, the old man was at the end of the house on the boreen, and the young man at the end of the barn. I saw Pat Higgins (Long) carry the old man away. I saw Tom Higgins put the sack on my brother's back. Michael Flynn went with Pat Higgins (Long) and Tom Higgins."

Mr. Justice O'BRIEN.—Let me see a copy of the deposition. I want to see in what order it comes. (Deposition handed to his lordship).

Mr. Adams.—It is number 13.

Mr. Murphy.—(To the Interpreter)—You were not the interpreter for this witness at Galway?

Interpreter.—No, I was not.

Mr. Justice O'BRIEN.—Was the evidence of the father Matthias Kerrigan, and the mother Bridget Kerrigan taken before the evidence of the present witness?

Mr. Murphy.—We have the magistrate who took them here. (To the Interpreter)—You were not interpreting at Galway?

Interpreter.—No.

Mr. Murphy.—Ask him, did he tell his story in Irish in Galway?—He did.

Did he answer truly any questions that were put to him?—He did.

When he said it was taken down in writing, did he know except through the interpreter, what was taken down in writing?—No, but as the other man was telling it again—when he would tell it in Irish the man would tell it again.

A Juror (Mr. T. W. Russell).—When you were going out to the barn where was your brother?—He was spilling the water off potatoes out of the door.

Patrick Mannion, an Irish-speaking witness, sworn, and examined through the Interpreter by Mr. O'BRIEN, Q.C.

Ask him does he remember being in Michael Corbett's at Cloghbrack in January last?—Yes.

What time was he there—was it in the morning?—After breakfast-time in the morning.

Does he remember coming out of the house?—He does.

When he came out who did he see in the boreen?—When he came down out of the house he saw Thomas Higgins, young Matthias Kerrigan, and Pat Higgins (Sara).

Very well; now had Matthias Kerrigan anything on his back?—He had a bag on his back.

Was anything done to the bag, ask him?—When he came down, Tom Higgins got up to him, and said to him, "walk out here." "No, I won't," said the witness. He told him again, and tripped him. He pulled him after him along the road. He took the bag off Kerrigan's back, and put it on witness, and told him to walk out, and the witness replied, that he was not able to walk out. He was still bearing it when it bore him down after going a bit of the road, and he went to rise the bag.

Who went to rise the bag?—Thomas Higgins. He went down the road before him. The bag was falling off him, and he was rising the bag on him, and tripped, and Pat Higgins then took it off him.

When he tripped and fell on his knee, did Tom Higgins (Sara) take the bag and go off?—He said, yes.

Ask him what he did then?—He turned on his foot, and went into his own house.

Now, when he came out were they just at the boreen or nearer?—They were coming along the road from the boreen towards him.

Did he see any persons in front then at all?—Not one but the three. He saw no dead bodies?—No, he did not.

Cross-examined by Mr. TEELING.

Was it not Matthias Kerrigan; was not Matthias Kerrigan one of those; the man who put the sack on his back?

The Interpreter.—That is, young Matthias, sir?—Yes.

Witness (through interpreter).—They both raised it on his back.

They both; that is, young Matthias and Thomas Higgins?—Yes.

Is Matthias Kerrigan one of the men who lives here (pointing to model)?—Yes, and young Matthias is his son.

And the man who was examined here to-day?—Yes.

Now, will you ask him when he first made this statement to the police?—About nine or ten weeks ago.

About nine or ten weeks ago—very well. That will do.

Re-examined by Mr. O'BRIEN, Q.C.

Now, you say he fell on his knee, and when Tom Higgins (Sara) went away with the bag what became of Matthias Kerrigan?—He turned as if to go back home.

At the same time as he went to his home?—Exactly. When he turned to go to his own house young Kerrigan turned as if to go to his own house.

John Halloran sworn, and examined by the SOLICITOR-GENERAL.

Do you live in Cloghbrack?—Yes, sir.

Do you remember in January last hearing some shots?—I do, sir.

Do you know what day in January it was?—I don't know, sir.

Mr. Justice O'BRIEN.—They can always tell you by reference to Christmas, Mr. Solicitor-General.

The *Solicitor-General*.—Thanks, my lord. How soon after Christmas was it?—Not long.

What day of the week was it?—I think it was Tuesday.

How far off is your house from Kerrigan's house?—Not so far.

Are there fields between?—Yes, and a hillock.

Where were you when you heard the shots?—I was going out to my own barn with a load of oats I had.

Where were you when you heard these shots?—I went into the barn going out towards the yard.

Very well; where did you go then?—I set about setting them up in the barn.

Did you go then to see where the shots were fired from?—I went to the other end of the garden. I went to look where I thought they were fired. I did not know exactly where they were. I looked where I thought they were for I often heard shots in that place before.

Very well; but we are talking about this morning now. Did you look down shortly after to Kerrigan's house—towards the boreen?—You know the boreen there?—Yes.

Did you see anybody there?—I saw a couple of men there in the boreen.

How many—two men?—About two or three men.

Did you know anybody that was there?—No.

No man that was there?—I seen Thomas Higgins standing at his own house, doing nothing at all. His back was to his own wall.

Convenient to his own house?—Yes, doing nothing at all.

That is one of the men (pointing to the prisoner) that you saw in the boreen?—That is one of the men.

That you saw in the boreen?—Yes, near his own house.

Was Pat Higgins one of the men that was in the boreen?—He was near his own house.

Were there any other men with him?—There were a couple of men in the boreen, going towards Kerrigan's house, but I could not know them. I could only see their backs and heads.

Who was the last man in the street—which was last of the three?—I did not know any of them at the time but Kerrigan. Higgins was near his own house standing.

Whereabouts was his own house?—It was very near Kerrigan's house standing when I saw him.

Was he with the other men?—No, he was a little distance from them.

What?—A little distance from the other men.

Yes. Was there a wall between him and you?—There was, sir.

Alongside of the boreen?—Yes, and a hillock.

And you saw him?—Yes, I did.

You saw the top of him over the wall?—I did.

And knew him that way?—Yes.

And what did you do then after that?—I went back to my barn to thresh my oats.

Was there anybody with you?—Yes, my son.

Did you ever see Joe Huddy alive—did you know Joe Huddy previously?—I did not know it was him at the time.

Of course you heard talk of him being lost after that?—The policeman told me the next morning.

The policeman told you the next morning?—Yes.

The witness was not cross-examined.

John Halloran sworn, and cross-examined by Mr. JAMES MURPHY, Q.C., through the Interpreter.

Ask him does he recollect the morning he heard shots in the boreen, near Kerrigan's house?—He does.

Does he recollect going with his father to look down the boreen?—He does.

Ask him did he see the prisoner then when he looked down?—He saw him standing at the back of his own house.

Tell me, how many more men did he see there?—He cannot say at all.

Did he see any of the men do anything at all?—He did not.

Did he go back at once then when he got a look at them?—He went back home on his business.

And heard no more shots?—He did not.

About how many shots did he hear altogether?—One.

Ask him does he recollect being examined in Galway?—He does.

Does he recollect stating there where he saw long Pat Higgins?—He does.

Did he say he saw him in the boreen between Kerrigan's and Pat Higgins's house?—He did.

He did, very good?—Yes.

He did, but he answers he saw him do nothing—that he had his hands out by him doing nothing at all.

The witness was not cross-examined.

Thomas Mannion sworn, and examined by Mr. PETER O'BRIEN, Q.C., through the Interpreter.

Ask does he recollect the morning in January last when the police were looking for the Huddys?—Yes.

Ask him does he recollect the morning before being in the boreen there?—He does.

Ask him was Michael Flinn there, and if he passed any remark to him.

Mr. *Teeling*.—My lord, I respectfully submit that this is not evidence against my client at all. Suppose, my lord, he answers this question, and informs us that he saw Michael Flynn in the boreen on the morning of the 3rd of January, how does that bear against my client?

Mr. Justice O'BRIEN.—If the other witnesses established that Michael Flynn was seen there in company with the prisoner, is not this witness to be allowed to corroborate their statements?

Mr. *Teeling*.—If your lordship thinks, they have.

Mr. *O'Brien*.—Did you see Michael Flynn there at the boreen that morning?—He did.

Ask him was he speaking to him?—He was not talking to him, but Flynn spoke to him.

Very well. Now did he speak much to him?—He told him to go on home, and not to be in the boreen.

Do you know where Pat Macken's house is?—He did.

Is it between Corbett's and Macken's?—It is between Pat Macken's and Thomas Corbett's.

Was it there that Michael Flynn was speaking to him?—Between the houses. He met him on the road.

Mr. Justice O'BRIEN.—Between Pat Macken's and Michael Corbett's?—Yes, my lord.

Mr. *O'Brien*.—Was it there?—Yes, sir.

About what time in the morning, ask him?—When he got up and went and had his breakfast, that is the time.

William Henry Ellis sworn, and examined by the SOLICITOR-GENERAL.

Are you one of the crew of the "Valorous"?—Yes.

Was it searching in Lough Mask for the bodies of the Huddys in January?—Yes.

Yes; were you one of the party that were on board, when they were found?—Yes, I was.

Where were they found?—At Lough Mask.

Do you know where—near what island?—They were found at the north-west corner.

How were they found?—The young boy was found in a bag containing a stone.

Were you grappling for them?—Yes; we were dragging for them.

You say there were stones found in the sack?—That is the young man.

Was the body of the old man near that?—It was found about ten or twelve yards away.

Was it in anything?—It had a stone attached to the legs.

What was done with the bodies when you got them?—They were taken to the island.

Were they given there in charge to the police?—They were given then in charge to the police.

On what day was that?—On the 27th of January.

Cross-examined by Mr. ADAMS.

Do you know, Mr. Ellis, whether any documents were found?—I do not know at all.

Mr. *Murphy*.—We have other witnesses.

A *Juror* (Mr. Russell).—Do you know in which position the bodies were found?—Oh, no, I don't know in what position they were.

Was the body put into a sack head foremost?—I could not say, because the grappling iron caught in the back. I could not say.

Were they not in a sack when you brought them —
 Mr. Justice O'BRIEN.—Did you open the sack?—No, my lord.
 Did you say that the body of the older man was found some yards from there?—Some ten or twelve yards away.

Constable *Terence Dowd* sworn, and examined by Mr. MURPHY, Q.C.

Were you there, on the 27th January, when these bodies were found?
 —I was.

Now, was either of them in a sack?—The boy was in the sack.

Did you see the body taken out of the sack?—I did.

How was the body placed in the sack?—Head foremost, and a large stone tied up with him.

Did you search the pockets of the clothes of Joe Huddy?—I did, sir.

Did you find any documents in the pockets?—I did, sir.

Where are the documents you found?—I handed them over.

They were produced, I believe, before the magistrate?—Yes, sir; I initialed them all.

(The documents were here handed to witness).

Well, now, look at these. Have you got a list of them?—They are—An original civil bill ejectment process at the suit of Lord Ardilaun against Matthias Kerrigan; two copies of a civil bill ejectment against Peter Kyne, Patrick Kyne, and Luke Kyne.

Mr. Justice O'BRIEN.—What is that you say?

Mr. *Murphy*.—Two copies of civil bill ejectment, my lord, against the two Kynes, and an original civil bill ejectment at the suit of Lord Ardilaun against Patrick Connor, and copies of two civil bill ejectments at the same suit against Pat Macken, Martin Kyne and Pat Kyne, and an original ejectment at the suit of Lord Ardilaun against Thomas Hyland.

Witness.—They are all here, my lord.

In the same condition as you got them?—Yes.

Have you examined them and counted them, and ascertained the number, how many there are, and if you have got altogether, tell us at a later stage. These are all you recollect finding?—Yes.

Did you initial them?—Yes.

Mr. *Murphy*.—This is all you recollect finding I suppose?—Yes.

Have you initialed them?—I have.

You did not find one there against the prisoner, Pat Higgins?—I don't recollect finding any; all I found are there.

Mr. *Teeling*.—Would your lordship take it down with regard to this man. Matthias Kerrigan had to appear at Oughterard on the 19th January, on the original writ for £13 12s. 5d., which upon the back of it seems to be rent from the 1st November, 1878, to the 1st November, 1881.

The *Solicitor-General*.—They are all for the 19th January, which is the printed date only.

Mr. *Teeling*.—(To witness)—The Kynes you spoke of don't you know where they resided?—I don't know where any of them resided.

Mr. *Murphy*.—It is a fact that they lived off some distance—(To witness)—Are your initials on these?—They are, sir.

Mr. Justice O'BRIEN.—These words, "Mat Kerrigan," is that written by you?—No, my lord. Nothing written by me only the initials.

Do you know whose handwriting that is in?—No, my lord.

Mr. Justice O'BRIEN.—(To Mr. *Teeling*)—Isn't that name put there in accordance with the rule or practice that a civil bill officer is to put the name of the person for whom the process is intended on the back?

Mr. *Teeling*.—I will look at Carlton this evening and see how that is. I am much obliged to your lordship for drawing attention to that.

Mr. Justice O'BRIEN.—The ordinary rule is that he writes it on the back.

Mr. *Teeling*.—That had escaped our observation.

Mr. Justice O'BRIEN.—Mr. Bolton, isn't that the practice?

Mr. *Bolton*.—Yes, my lord.

Dr. *John Hegarty* sworn, and examined by Mr. P. O'BRIEN, Q.C.

I believe you made a *post-mortem* examination of the body of Joseph Huddy on the 28th January last?—Yes.

You had known him in his lifetime?—Yes.

Will you describe to his lordship or the jury what appearance the body presented?—Shall I describe the appearance as regards the state of preservation?

No. What did he die of?—He had five bullet wounds in the body altogether—four in the head, and one in the right shoulder.

How many had John?—Two in the head.

Were these the cause of death in both cases?—Yes.

Mr. *Murphy*.—In one of the original writs Pat and Luke Kyne is on the back of it.

Dr. Hegarty recalled by Mr. O'BRIEN, Q.C.

Did you get the bullets in the bodies?—Some of them, not the whole of them.

Were they pistol or revolver bullets?—Revolver bullets.

Patrick Kyne sworn, and examined by the SOLICITOR-GENERAL through the Interpreter.

Are you the brother of Luke Kyne?—Yes.

Do you live in Cloughbrack?—Yes.

On the same breen with Kerrigan and Pat Higgins?—Yes.

But further up?—Yes, at the head of the village altogether.

Does he and his brother live together?—Yes, in the same house.

Were they served with any ejectments?

Mr. *Teeling*.—I respectfully object to this question—whether Luke Kyne was served with an ejectment, that is not relevant to the issue respecting my client.

Mr. Justice O'BRIEN.—It is a matter-of-fact to determine how far the deceased men had gone in the execution of their duty, and it is a matter-of-fact whether they had reached that man's house, but only material in that respect. Is that the point of view you ask this question?

The *Solicitor-General*.—Exclusively. (To witness)—Was he served with any document?—He got none himself.

Was he in his house that morning?—Yes.

Did Joe Huddy go to his house that morning?—He did not.

Or his grandson, John?—He did not.

Did he not see them at all?—No, he did not, big or little.

The *Solicitor-General*.—There may be a short witness whom we will ask your lordship to allow us to produce in the morning; subject to that, we do not propose to give any further evidence.

Mr. Justice O'BRIEN.—In form we are not to consider the case for the Crown as closed until morning.

Mr. *Teeling*.—Don't you think it would be a reasonable thing that the Crown should intimate who the short witness is to be?

The *Solicitor-General*.—He may not produce any.

Mr. *Teeling*.—Still it would be only fair to those conducting the defence.

Mr. Justice O'BRIEN.—Have you exhausted all the constabulary evidence—

The *Solicitor-General*.—I think so.

Mr. *Teeling*.—I will have to open the case for the prisoners immediately after this witness is examined.

Mr. *Murphy*.—We don't know whether we will examine him or not.

Mr. Justice O'BRIEN.—It is the usual practice to give counsel engaged for the defence a note of the evidence they intend to produce. They have not given any note of any other evidence, and that is a reason perhaps why they should tell the name of the witness.

The *Solicitor-General*.—There is no mystery at all about it. If we can in the morning have the governor of Galway gaol, we will examine him in reference to the subject of the clothes given to the prisoner.

Mr. *Teeling*.—So far as you are aware at present subject to that the case is closed.

Mr. *Murphy*.—It does not go further than that—

Mr. *Teeling*.—Subject to that, then you close?

Mr. *Murphy*.—Yes.

The court adjourned till eleven o'clock next morning.

THE DUBLIN DECEMBER COMMISSION.

8TH DECEMBER, 1882.

County of Galway.

THE LOUGH MASK MURDERS.

THE QUEEN v. PATRICK HIGGINS (LONG).

The Hon. Mr. Justice O'BRIEN sat in the Court House, Green-street, at eleven o'clock, and resumed the trial of Patrick Higgins (Long), for the wilful murder of Joseph Huddy, at Cloghbrack, Co. Galway, on the 3rd of January 1882.

The Hon. the *Solicitor-General* (A. M. Porter, Esq., Q.C., M.P.), James Murphy, Esq., Q.C., and Peter O'Brien, Esq., Q.C. (instructed by George Bolton, Esq., Crown Solicitor), attended to conduct the prosecution; and

Charles H. Teeling, Esq., and Richard Adams, Esq. (instructed by Patrick J. B. Daly, Esq., of Ballinrobe), appeared for the accused.

The Jury having answered their names:—Henry A. Phillipson (foreman), John Lowe, William Glenn, Michael Roe, Thomas W. Russell, John Martin, John Miller, William Owen, James P. O'Reilly, George O'Neill, William R. F. Godley, and James King.

Mr. George Mason sworn, and examined by the SOLICITOR-GENERAL.

Mr. Mason, you are the Governor of Galway jail?—Yes, sir.

Are you acquainted with Patrick Higgins, the prisoner at the bar?—Yes, I know him as having been in my custody.

Was Matthew Kerrigan in your custody also?—Yes. Matthias Kerrigan, not Matthew.

Quite right—charged with the murder of the Huddys?—Yes.

Were you aware, during the time he was in your custody, of his receiving any money?—Yes.

Do you yourself know where it came from?

Mr. Teeling.—I respectfully object—this is not relevant.

Mr. Justice O'BRIEN.—You have stated that he had received clothes, and suggested that these clothes were given to him as an inducement to give evidence, or had that operation upon his mind. Counsel for the Crown asked him had he received money at the same time, and he said yes. They now proposed to ask the Governor of the jail from whom that money came, and I hold that that is legal evidence.

Mr. Adams.—We asked about the clothes, and we were bound by the answer that he knew nothing about them, but we asked no question about money.

Mr. Justice O'BRIEN.—But if the money received furnished the means of procuring the clothes, counsel has a right to ask the question whence that money came.

Mr. Adams.—The money could not have been the means of procuring the clothes, for he swore the clothes were brought to him before he got any money.

The *Solicitor-General*—(To witness). Where did that money come from, Mr. Mason?—It was sent to me as a portion of a cheque by the Ladies' Land League, from Dublin.

Was it from that source that all the money came that he got?—(After consulting a memorandum). Yes, with the exception of 1s. 9d.

Mr. Justice O'BRIEN.—Now, Mr. Adams, do you propose to ask the witness anything about these clothes?

Mr. Adams.—No, my lord; I do not.

Mr. Justice O'BRIEN.—Do you propose doing so, Mr. Solicitor-General?

The *Solicitor-General*—(To witness.) Did Kerrigan get clothes while in jail?—Yes. I am given to understand he received one suit of clothes. In fact I am sure he did.

From whom?—Well, I believe they were supplied from the agent of ———.

Mr. Adams.—Don't mind what you believe, sir, only what you know yourself.

Mr. Justice O'BRIEN.—Did you, Mr. Mason, provide or furnish them to him?—No, I did not.

Or anybody—to your knowledge—connected with the administration of the jail?—No, my lord.

That is the question. Kindly tell me have you any account of when Matthias Kerrigan was first in your custody?—I have, my lord, a record of the dates.

Will you please tell me these, as matter for my own information?—He was committed on remand on the 7th of January, 1882.

And how long did he remain in custody?—He went to petty sessions on the 20th of February, and was recommitted as a suspect on the 21st February.

And, Mr. Mason, how long did he remain then—when was he released from custody?—He was discharged on the 11th of September.

Mr. *Teeling*.—Just one question. On what charge was he committed to you on the 21st of February?—He was first committed to me on the 7th of January on a charge of murder.

Who was the person—or who were the persons of whose murder he was accused?—That was not stated in the committal order, but—

Mr. *Murphy*.—There is no doubt but that it was for the murder of the Huddys; Kerrigan stated so himself.

Mr. *Teeling*.—His recommitment as a suspect?

Mr. Justice O'BRIEN.—Was on the 21st February, the day after his being sent to sessions.

Mr. *Teeling*.—(To witness), kindly state what the warrant charged him with, Mr. Mason?

Mr. Justice O'BRIEN.—He is not at liberty to state that, I think, under the Act of Parliament.

Mr. *Teeling*.—It is a public document—published in the “Gazette,” my lord.

Mr. Justice O'BRIEN.—It is a document which the person committed under has the right to see, but no other person.

Mr. *Adams*.—They were published as a Parliamentary return, and also in the “Gazette.”

Mr. Justice O'BRIEN.—The witness may answer the question if he can—I have no objection.

Mr. *Teeling* (to witness).—Kindly state what did the warrant say he was “reasonably suspected” of?—It would be very difficult to say positively from memory, but to the best of my belief it was “reasonably suspected of murder.”

Mr. Justice O'BRIEN.—You may be perfectly satisfied that that was so. There can be no question in the world about it.

The *Solicitor-General*.—Certainly not; no question about it.

Mr. Justice O'BRIEN.—Mr. Mason, do the rules of the prison admit of the access of relatives to a person imprisoned on that kind of charge; a charge of murder, or “reasonably suspected of murder”?—Oh, yes.

Does that access take place in the presence of any officer?—Yes; in presence of the chief warder, or one of the warders.

And no communication takes place except in their presence?—No.

Mr. *Teeling*.—As a matter of fact, Mr. Mason, would you kindly tell us whether his wife had visited him during his imprisonment?—I could not tax my memory with that; there were so many visits paid to suspects.

But have you any doubt about it? As to whether she did or not?—Yes, I am under the impression that she did, but I am only under the impression. It is hard to tax my memory as to an individual, when so many visitors come in.

Mr. *Andrew Newton Brady*, R.M., sworn, and examined by
Mr. MURPHY, Q.C.

You were the magistrate who took the depositions of the witnesses—the Kerrigans?—I took their depositions.

The date of them, I believe, was the 14th of October?—Yes, the 14th of October.

Now, do you recollect the order in which they were taken?—I do.

Who was the first examined?—Matthias Kerrigan, the father, then his wife, Bridget, then his son, Matthias.

Mr. Justice O'BRIEN.—Which son?—The elder boy, my lord, and then Martin, the youngest son, last of all.

Mr. *Murphy*.—Where did you take the depositions, Mr. Brady?—In the jail of Galway.

How were the witnesses taken—each one separately?—Yes, each was taken separately and apart.

Now, do you recollect taking the deposition of Catherine Moran?—I do.

She was an English-speaking witness?—Yes, I remember.

You see her name (to information) to that?—Yes,

Now, was that deposition read out to her in your presence?—Yes.

Read by yourself, I understand?—Yes.

Do you see there the concluding line, “This was early in the morning”?—I do.

Was that her statement to you?—Those were the words she used.

Mr. Justice O'BRIEN.—Is there any question you think proper to ask, Mr. Adams?

Mr. Adams.—No, my lord.

Mr. Justice O'BRIEN.—Are you aware where those different deponents came from—the mother and the two sons—were they stopping in Galway or did they come from home?—They were brought from home to Galway for the purpose of having their informations taken.

The *Solicitor-General*.—That is the case for the Crown, my lord.

A *Juror* (Mr. T. W. Russell).—May I ask a question, my lord.

Mr. Justice O'BRIEN.—Of whom, Mr. Russell?

Mr. Russell.—Not of that witness, my lord.

Mr. Justice O'BRIEN.—Of any witness, Mr. Russell, of course you may—

Mr. Russell.—I think the witness I want is the last man examined yesterday—the constable who found the documents on the body of Joseph Huddy.

Constable *Terence Dowd*, R.I.C., being recalled.

Mr. Russell.—I think you told us last night, constable, that you found certain documents upon the body of the elder Huddy?—Yes, sir.

Can you say—I want to be clear about it—if you found an ejectment process to be served upon Matthias Kerrigan; did you find that process on the body?—An original one.

That is the point I want to have made clear—you found only one ejectment process for Matthias Kerrigan, and that the original?—That is all.

You did not find the copy?—No.

And isn't it the copy that would be served upon Matthias Kerrigan?

Mr. Justice O'BRIEN.—That is so, Mr. Russell.

Mr. Russell.—I did not know very well about these matters, my lord, but I thought it was so.

Mr. Justice O'BRIEN.—No doubt, it would be the copy that would be served in the ordinary course, and the original retained,

Mr. Russell (to Witness).—Then you found the original and not the copy?—That is so.

And it would have been the copy that would have been served upon Matthias Kerrigan.

Mr. Justice O'BRIEN.—Certainly—in ordinary course; there is no question in the world about that.

Mr. *Murphy* (to Witness).—In what pocket were these documents found—were they all in the one pocket?—They were not, sir.

How were they?—They were in the outside pocket of the coat.

The two pockets of the coat?—Yes, in this one (right hand coat pocket), and in that (left hand coat pocket).

Mr. *Teeling*.—Am I right in saying that the depositions given in evidence were taken on the 14th of October?—

Mr. Justice O'BRIEN.—As I understand, Mr. Teeling, the depositions were all taken on the same day—the 14th of October.

Mr. *Teeling*.—And that Kerrigan was discharged from custody on the 11th of September?

Mr. Justice O'BRIEN.—As I understand there is no question about that—discharged from Galway jail.

Mr. *Teeling*.—Discharged altogether, for there was no other jail in question.

Mr. Justice O'BRIEN.—But Mr. Adams asked him the question, was he in custody of the police since, which, I understand the meaning of. His release from actual legal custody was on the 11th September.

Mr. Adams.—And his wife stated that he was a free man from the 11th September.

Mr. Justice O'BRIEN.—She did not state the date, but said the sergeant told him he was a free man. Whether the constable chose to keep a supervision over him or not for other objects is another thing.

Mr. *Teeling*.—Now, may it please your lordship and gentlemen of the jury—it now becomes my duty to address some observations to you on behalf of the prisoner at the bar, and at the outset of those observations I feel myself bound to acknowledge in the frankest and clearest manner the perfect fairness and calmness, a calmness almost amounting to a judicial calmness—of the statement with which this case was introduced to you by the learned *Solicitor-General* who conducts the prosecution. The *Solicitor-General* in the course of his observations asked you gentlemen, having regard to the special circumstances of the times in which we exist, and especially having regard to the peculiar circumstances of the times as they exist in this city of Dublin, where you are about to discharge your duty—to exhibit courage and firmness. In that observation of the *Solicitor-General*, and in that request, I as counsel on behalf of the prisoner cordially concur, but the *Solicitor-General* will not be offended with me if I add to the request he has made, a request of another character, namely gentlemen,

that you shall be watchful lest the influences of that very panic to which he has referred, should lead you to a conclusion in this case, which perhaps if the times were calmer and different you might not be led to and might regret if you were led to now. The Solicitor-General also has said that, having regard to the composition of your body, he has every confidence that you will exhibit that firmness, and that you will exhibit that courage; and I, on behalf of the prisoner at the bar, wish to add the humble expression of my confidence that you will exhibit also that just as necessary watchfulness of the influence of panic to which I have referred, when you are coming to determine upon the fate of the prisoner at the bar. Gentlemen, I am sure that, in response to the request made from one point of view by the Solicitor-General, doing his duty for the Crown, and in response to my request from another point of view, doing my duty on behalf of the prisoner at the bar, that your verdict will be founded upon nothing but a calm and judicial interpretation of the evidence—that that verdict will be delivered without fear, without favour or affection. My lord, the name of a distinguished nobleman was introduced, and necessarily introduced, in the statement of the Solicitor-General in connection with this case—necessarily introduced, because, unfortunately, this case is conversant with the investigation of the murder of one of his trusted servants; and I think it only right, on behalf of the prisoner at the bar, who is a tenant of the noble lord, to make this public statement in court, that so far as the evidence in this case is concerned, and as far, I venture also to say, as the evidence outside the case goes, the conduct of that noble lord in the west, and wherever else he has estates, has been characterised by fairness, by consideration, and by forbearance, and that certainly, gentlemen, no one can blame him if, not having received one farthing rent for three years and a half from Matthias Kerrigan, the principal Crown witness, he should have sought to enforce his rights against him by that process of ejectment which I will ask you confidently to say—having regard to the answers elicited by Mr. Russell, one of your body—was served upon him to enforce from him at least an instalment of the three and a half years' rent or the giving up of his land. Gentlemen of the jury, I think you will be satisfied before this case closes, that the real explanation of the murder of these unhappy Huddys was a circumstance now proved to demonstration. In answer to that question—that important question asked by one of your body—is really due to the fact that that process of ejectment was served upon Matthias Kerrigan, and that the real person responsible for the murder of that unhappy man is not, gentlemen, the prisoner at the bar, but that very same Matthias Kerrigan. Now, gentlemen, Matthias Kerrigan has sworn in this case,—and I ask your particular attention to this—he has sworn in the most deliberate manner in this case, that he had nothing whatever to do, in a criminal sense,—for he was of course, upon his own statement brought physically into connection with this murder—but he has sworn in the most deliberate manner that he had no criminal connection whatever with this case: that he is totally innocent of any criminality in the transaction, and that the whole of that criminality is to be placed at the door of the prisoner at the bar, and the two other prisoners he has named. Gentlemen of the jury, I tell you, under the correction of his lordship, that if you are satisfied that he has sworn falsely in that particular, that is to say, has sworn falsely when he says he had no criminal connection with this murder; and, gentlemen, if you be indoubt on that question, which will be quite sufficient for my purpose, I tell you, under the correction of his lordship that you cannot safely act upon any portion of his evidence, so far as it goes to incriminate the prisoner at the bar, unless that evidence is corroborated by other independent testimony in the case, upon which you think you can safely act. Gentlemen, it will be my duty to show you first that he has perjured himself in reference to that statement, that he had no criminal connection with the case, and it will then be my further duty to show you, having established that point to your satisfaction—(and if I merely leave you in doubt it will be enough)—to proceed to show you that looking to the other evidence in the case, there is really no independent corroboration of his testimony upon which you could fairly or satisfactorily act. Now, gentlemen, first let us see had Kerrigan any criminal connection with this murder; and the first question you will ask yourselves is had he any motive for the commission of the crime. Well, if the fact that a man is about to be evicted from his farm, is a motive for the commission of murder, and is about to be evicted from his farm through the instrumentality of the service of a process of ejectment made by the specified individual here and nobody else, then, gentlemen, assuredly there was the existence of a motive upon the part of Kerrigan himself for the commission of this murder. I would be sorry personally to say that—the fact that a man was about to be evicted from a farm through the instrumentality of the simple discharge of his duty by another man, should be any motive for the commission

of a murder; but nevertheless, we know that in this country that has been a motive, and that that motive has resulted in too many instances in the commission of murder in this country. Indeed, gentlemen, if you were to subtract from the number of murders committed in Ireland, those which are committed through the influence of the motive to which I have referred, you would reduce this country to a country in which no murder existed at all. Well, then, had he this motive? Who is Matthias Kerrigan? First of all, gentlemen, upon his own confession he is a tenant of Lord Ardilaun. Secondly, upon his own confession, he, at the time of this murder, owed three and a half years' rent, a sum that, as I have already said to you, fully justified Lord Ardilaun in exercising his right against him. He owed three and a half years' rent—one year's arrears of rent, according to law, is sufficient to justify a landlord in recovering his land. He owed three and a half years. The conditions were, therefore, present under which, if Lord Ardilaun chose to exercise his right he might have dispossessed that man from his farm. Let us see was Lord Ardilaun about to do that. Again, gentlemen, I have here not to rely upon any evidence to be produced by me, but again I take it from the lips of his own wife and from himself—that he had the most distinct intimation for some time before the visit of the Huddys upon that unfortunate morning of the 3rd of January in the present year—that he had the most distinct intimation, through the visit paid to Mr. Burke, the agent, that no settlement having been come to on foot of his arrears of rent, a process of ejectment would be issued against him for the next sessions. These sessions were to take place on the 19th of January, and the murder took place on the 3rd of January—the very last day for the service of an ejectment for the sessions of the 19th. The process of ejectment is given to Huddy in the latter end of December, and the fact that the threat which had been made, and properly made, by Mr. Burke, was about to be carried out by giving it to Huddy, you may be certain was perfectly well known to Matthias Kerrigan on that morning of the 3rd January. Therefore, every circumstance exists which, as far as a motive of this kind could justify, was present. But, gentlemen, was he served on the 3rd of January by Huddy? Was he served—was he put in such a position, that upon the 19th of January, when the case would be heard before the county court judge, that the county court judge would be bound to pronounce a decree of dis-possession against him for the non-payment of this three and a-half years' rent. Now, gentlemen, when you are coming to consider the credence, you will give to Matthias Kerrigan—and the whole case turns, as I will show you presently, upon his evidence and nothing else—remember that in addition to swearing in the most solemn manner, that he had no criminal connection with this murder, he has sworn with equal determination and equal clearness, that he was not served on the 3rd January, 1882, with that ejectment process. If he be false in that second statement of his with regard to the non service of the ejectment, then there is a second item of perjury—one, at all events, a clear item of perjury fixed against him in this case, which I tell you again under the correction of his lordship, is sufficient to destroy every other particle of his evidence, unless it is corroborated by other independent testimony. Well, gentlemen, was he served in contradiction to his own oath, on the 3rd January? Mr. Wood, a clerk, in the agent's office, tells you that that ejectment, which, as a matter of fact, was out against him, was given to poor Huddy, and that it was so given in the month of December. Now, that Huddy was in that breen where all these people lived on that morning of the 3rd January, and was at other places removed from that, doing his duty in the service of ejectments, not one of you in that box can doubt, and I don't present to you any such case as that he was not or that he was not discharging his duty as far as he had brought the proper documents with him—and this will be an important matter for you by and-by, because you will find that as regards some of these tenants whom there was an intention to serve, he had not brought with him the whole of the documents, a thing that sometimes happens. Now, was he served, and was he served by Huddy? He says he was not. Huddy speaks from his grave and tells you he was, because upon the body of Huddy, as was elicited by a question put by Mr. Russell, there was found, and I have it now in my hand, the original ejectment with the larger stamp of 2s. 6d., which is to be kept in the possession of the bailiff, and to be afterwards exhibited in the court of justice, there was found upon his dead body, and there (holding process) is the document, the original ejectment, the service of which had been threatened against Kerrigan, so far back as the month of November previously. His lordship asked last night, and it was got out this morning again, and it is important to remember it in this case—the mode of the service of an ejectment.

Mr. Justice O'BRIEN. I did not ask the question, because I knew it.

Mr. *Tooling*. I know, but you elicited it, for the information of the

jury. It is done, gentlemen, in this way. The original document bearing the larger stamp of two and sixpence, is drawn out by the solicitor for the plaintiff, and with that original document there is given to the bailiff, a copy bearing a smaller stamp, of six pence, which he is to serve upon the tenant, at the same time exhibiting to that tenant, not of course giving it to him, but exhibiting it, and saying "here is the original process of ejectment" or "this is the original" and "that (which I leave with you) the copy." Well, gentlemen, upon the dead body is found the original, which the bailiff ought to have; but, upon the dead body there is not found the copy which would be there if it had not been served upon Matthias Kerrigan.

Now, gentlemen of the jury, the Crown cannot, having regard to the cause of the evidence, make the case in presence of these remarkable facts; they cannot make the case that, by some extraordinary accident, this copy to be served upon Matthias Kerrigan was in some way got rid of. There is no such evidence in the case; there is no evidence that during the progress of the body down from the house of Kerrigan—mark you, where the murder was committed—to the lake, that there was the slightest rifling of the pockets of that unhappy man, or the slightest abstracting of the slightest documents, or of any species of property, whether money or otherwise, taken from him. They may say that may be so, but something may have occurred at the lake. Gentlemen, if anything had occurred at the lake, the motive would be equally strong, and the necessity equally strong, to have got rid of every document in the pockets of that unfortunate Huddy which would show that he was engaged in any mission of service of processes on that unfortunate morning. The motive would be the same, whoever was the murderer, to destroy the traces of any ejectment process or ejectment proceeding against him which may, if it was found in his possession, be clear and cogent evidence that he was a person who had an interest in the work of process serving, which Huddy was then carrying on. There was found, in addition to the original ejectment for service on Matthias Kerrigan—there are found also several copies for service upon other persons—the originals, mark you, of the other services—that are, for instance, upon Pat Conor (Mark), and upon another person named Thomas Hyland. These originals were found on the body, and in addition are found—and to this I ask your particular attention when you come hereafter to consider the question, whether he had a copy also for service on the prisoner at the bar—there are found copies for service upon Pat Macken and Pat Kyne with no originals whatever, showing that it was the habit of this bailiff sometimes when travelling not to furnish himself with all the necessary documents for service upon any particular person. You will, however, with regard to Patrick Kyne, remember that his evidence was, he was not served upon that morning. He lives lower down at the foot of the map, yet there is evidence that the bailiff had some intention to serve the process upon him, but came away without the original documents necessary for the perfection of the service, showing that Huddy, however excellent he may have been sometimes, started without some of the documents he might have intended to serve. That may raise an important question whether he had any document or ejectment for service upon any client whatever. I need scarcely say, as I am reminded by my friend, Mr. Adams, he would not have brought the originals without the copies, and these you see are not the originals, but only the copies, and if you came to the conclusion that upon that morning Kerrigan was served with that ejectment, then I ask you what becomes of the case on the part of the Crown so far as it affects the credibility and the implication of this Matthias Kerrigan when he has sworn, first, that he had no connexion with this murder, and secondly, that he was not served with that ejectment. I will treat this case as one in which it is proved that he was duly served with a copy of the ejectment, and then how will the case, as you like to know, stand for Matthias Kerrigan upon the question whether he would have been the person likely to have committed this murder or not. Now, gentlemen, the service was plainly a good one, and the only way to get rid of the effect of that service which must have ripened into a decree for possession on the 19th of January, would be by destroying the evidence of the person who served it, and the only effective way to do that was to destroy that man himself, and, gentlemen of the jury, that was undoubtedly destroyed, and sent to his doom upon that very morning of the 3rd of January, and beyond all question without the briefest possible time. That unfortunate Huddy had reached the very spot where Matthias Kerrigan lived. Gentlemen, in addition to the ordinary motive which in this country, as I said before, has so often led to the commission of murder in reference to these land cases, there were, my lord, special circumstances in the state of this country existing, gentlemen, in the month of January, 1882, which I regret deeply to say would have gone strongly to strengthen, and strongly to stimulate the tendency to murder, which undoubtedly existed in somebody that morning, because, gentlemen, that was the period

when the tendencies of this country were, I deeply regret to say it, made familiar with doctrines and taught doctrines by those who ought to be ashamed of it, from their position, their circumstances, and their education—were taught doctrines which could have no outcome, at least which would have the very probable outcome—increasing that terrible tendency to murder in agrarian cases. There were these circumstances and doctrines which would go to strengthen and stimulate that tendency, and to confirm any waverer who was meditating murder. That was on the 3rd of January. The no-rent manifesto had been issued on the previous October. The persons who taught these doctrines were then in jail—popular heroes, according to the notions of the tenantry of Ireland, and the tenantry of Ireland were standing by them, and glorying in the doctrines they taught, and their doctrines were doctrines that would be very grateful to the heart of Matthias Kerrigan, “Pay no rent, although you owe $3\frac{1}{2}$ years rent; keep a firm grip of the land.” Under these circumstances, on the 3rd of January, 1882, and under the influence of such teaching and doctrines, that the service was made upon Matthias Kerrigan, and now, with reference to these doctrines and with reference to this teaching and with reference to that period, what have you established now in the case by a question that I put yesterday that was thought imprudent? What have you established now with regard to the same Matthias Kerrigan? That he was a person ardently attached to that very movement, ardently attached to it in its most extreme and criminal form, because you have heard that same Matthias Kerrigan made the object of the bounty, and the consideration, and the approval of that very same organization which is led, I deeply regret to say it, after it passed from legitimate bounds—the League has led to the commission of so much crime in this country. The clothes he got were not got from the Government, they were not got from the police, the sustenance that Matthias Kerrigan got was not got from the government, it was got from the Land League, and undoubtedly that same Land League, I say it boldly here to-day, is responsible for three-fourths of the crime which has been committed within the last two or three years in this country. Well, gentlemen, so far so good. Is there not in the circumstances connected with this murder the plainest proof. I won’t labour the point of the service of this ejectment, but are there not in the circumstances connected with the place, and the manner of the commission of this murder, indications that go almost conclusively to establish that the murder was committed by Matthias Kerrigan, or by some person under his control, in his house, on that unfortunate morning. I have shown you he had a motive, the strongest that could exist in the mind of a tenant for that murder. To him the destruction of that evidence meant possession for another three months, at least, of his farm, and God knows what might turn up in the meantime. His dispossession from that farm within a fortnight or three weeks meant the destruction of every hope he had in the world. I asked him what his means were, whether they were not totally and completely confined to the possession of this poor, wretched little tract of land. I was led to ask that question when I saw the apparent affluence of dress in which he appeared before you, and I elicited this important information, that the whole of his property, and of the fortune he possessed in the world consisted of that little tract of land, therefore if he was dispossessed on the 19th January, there was nothing for him but this—you shall go to the workhouse, or you shall take the lower status in life of a common farm labourer, if he could get employment as such. What was the result on the other hand if he evaded the service of that ejectment? There could be no decree—another three or four months would elapse during which he would be legally in possession, and then, after that period, there might come the realization of the hopes with which the minds of the tenantry of Ireland have been filled to exaggeration. But, gentlemen, were there not in the circumstances of the murder itself, apart from proof of motive in this same Matthias Kerrigan—were there not in the actual circumstances of the murder itself indications of the strongest kind to justify one in imagining that it may fairly be left at his door, and at no one else’s. Where gentlemen is that murder committed? It is committed close to the barn of Mr. Matthias Kerrigan. Remember that always—that the murder took place down there at the house of Matthias Kerrigan himself. If Huddy was to be murdered on that morning, by Matthias Kerrigan, what fitter or more convenient place for the deed to be done, than at the house, or the spot where he had just succeeded in effecting service of the ejectment. Gentlemen, you cannot put aside the considerations of the operations of human nature in a case like this. The man is served beyond all question, he knows then his doom is sealed, and under that influence, and under the other considerations to which I have referred, it was scarcely in human nature, that he should have calmly stood by, that his blood should not have risen, and that when it did rise, it should not have risen to that point that would culminate in the murder of that man. If, gentlemen, as the Crown says, this murder

was not committed by Matthias Kerrigan but was committed by the prisoner at the bar, he not having been proved to have been served with any ejectment, is it at the house of Matthias Kerrigan—who, upon the theory of the Crown, is a truth-telling, independent witness—that the prisoner at the bar would have murdered poor Huddy, where he would have been certainly detected by the person the Crown now presents as the person who had no sympathy with the crime, and did not commit it. Is it at the house of Matthias Kerrigan he would have committed that murder, or rather at his own house, where there would be some hope of escape, and an absence of evidence against him, and where he would be able to dispose of the body in the many ways that we know they are disposed of when murders are committed. You cannot credit the prisoner at the bar with the possession of the greatest insanity that could afflict any man—namely, the insanity of not seeing in the clearest manner the consequences which the commission of a murder at the house of a perfectly unsympathetic person would create for him. If the prisoner wanted to murder poor Huddy, the only reasonable view to take of the case is that the murder would have taken place at the prisoner's house, and not at the place where he was certain of detection, and in the presence of a person whom the Crown tell you now, because they would present him as a frank and as a truth-telling witness, who would be certain to place the prisoner at the bar in very great danger. Well, gentlemen, in addition to the murder being committed at Matthias Kerrigan's house, what else have you? Why, gentlemen, that the very sack—now bear with me in this—the very sack used for the disposal of that body, is the sack of Matthias Kerrigan. And I think you can have little doubt also that the cleave upon which the body of the larger man was taken down to the lake is also the cleave of Matthias Kerrigan. Because why? He would not frankly admit it was his cleave; but he was obliged to admit in cross-examination that he had two cleaves, and it is immaterial to me in which of them the body of larger man was carried down to the lake.

Now, gentlemen, there was a circumstance proved with regard to that sack—not the sack of the prisoner at the bar, but the sack of Matthias Kerrigan. It came out just in the way that important evidence sometimes comes out—without being asked, a witness under examination saying it—he being ignorant of the force or weight of it. It was proved that the sack was brought out from the house of Matthias Kerrigan, not as you would expect by Kerrigan, who was under the operation of fear and would have done anything he was asked, but it was brought out of the house, according to his story, by the prisoner at the bar himself, who went into the house unaccompanied—that is the point of the argument, and I wish to call your attention to it—by the prisoner at the bar, and in some miraculous fashion was able at once to go to the very spot, and that was up in the loft, to the very spot where the sack was to be found that was to be used in the disposal of the body. Gentlemen, do you believe that? Do you believe that that sack, which was used for the disposal of that body—was brought out of that house by the prisoner at the bar, unaccompanied by Matthias Kerrigan? Because that is the case that the Crown have made. Do you believe that that sack could be brought under circumstances, as that after two seconds, without the assistance of Matthias Kerrigan himself, and he did not give it—that it could be brought, the property of Matthias Kerrigan, for the disposal of the body of poor Huddy the bailiff? That, gentlemen, seems to me to be a circumstance of enormous strength and of enormous importance in this case. Now, mark you, too, with regard to it, that in the whole of the evidence of Matthias Kerrigan he gives you no definite information or definite statement that upon that morning anything was really done to him, whatever may have been done to his sons, which would have prevented his perfect freedom of action, either by running away from that place or remonstrating against the commission of the murder, or, at all events, from doing something to indicate that he had no sympathy with it. What took place, by his own evidence, appears to be that not one word of remonstrance is addressed by him, this innocent, truth-telling witness for the Crown—not a single word of remonstrance, no cry for mercy, no single cry for mercy, no cry for help is uttered by that same Matthias Kerrigan to interpose between these unfortunate men and the foul deed that was being perpetrated upon them in his own presence. Gentlemen, again I say I appeal to human nature, and I say, my lord, that no instinct of self-preservation, no sense of prudence or caution could explain such conduct as that; because even the most cautious and most prudent of us, when we are in a position of danger, and when our deepest sympathies are appealed to, we disregard such considerations, and the most prudent, and most cautious, and most callous, give way to the natural feeling. It is not in human nature to refrain from crying out for mercy, or for help, from doing something or other by way of remonstrance in the hope of preventing the awful crime from being com-

mitted. The case of Matthias Kerrigan, as proved by the Crown, is that he made no cry for mercy, that he protested against nothing, that he stood there stolidly—I was almost going to say without the semblance of a human being—looking on at that transaction, while these men were being sent to their doom. But, gentlemen, is that the conduct of an innocent man; is that the conduct of a man who had no sympathy with this crime, and who took no part in it? I submit to you, gentlemen, that it is utterly inconceivable, and from that part of the case I now pass away with just this observation, that when this same innocent Matthias Kerrigan comes to give an account of why he was committed to prison, he tells you, gentlemen, in describing that, that he could only account for it upon the ground that “the job was done at his own house.” The job was done at his own house. Gentlemen, that is nice language to be used by a man who had a horror of the crime—a nice way of describing the murder. The job was done at his own house, and that is the only reason he was committed to prison. I think that one word used by that man lets in a flood of light upon this case, and tells you the sort of character he is; and certainly, gentlemen, that is the sort of language in which people in this country engaged in crime are in the habit of describing these deeds when they are accomplished—by saying that the job is done. Well, gentlemen, what is there further in this case? This man is arrested on the 3rd of January. The police with unerring instinct at once marked him as the man who committed the murder, and on the night of the 3rd January, he was arrested, not however, without having had the opportunity for several hours of communicating with his own family. On the 3rd January he is arrested and brought up to petty sessions. There could then be no evidence against him. I cannot blame the unfortunate prisoner at the bar that he did not come forward against him, under the terrible terror which was existing at that time in the country, when if they had done so at that period, God knows where they might have been the next night. But, gentlemen, he is in jail, this innocent man, for nine months. During the whole of those nine months he is in jail, not the slightest communication is made by him, not a scintilla of assistance is given by him, although he has it in his breast, and he being a safe man lodged in that jail, and you may be sure his family under the most ample Government protection—during the whole of that nine months he never communicates one solitary bit of that information, never until the time I now come to mention to you. And that time, gentlemen, shows that that information was given under such circumstances as deprives it of the slightest value whatever, and really makes it information given for the purpose of taking the rope from about his own neck and putting it on the neck of an innocent man. You heard it sworn yesterday that he was not—we have the date now on which he was finally discharged from Galway jail—you had important evidence given yesterday that he was not discharged from Galway jail—that is, was not finally discharged from Galway jail—until three weeks after all the other persons who were accused of this crime, including my client, had been discharged. So you see that his position was this. And first, being discharged on the 28th February, so far as Petty Sessions was concerned, there being no evidence against him, he was again arrested on a warrant which Mr. Mason, the governor of the jail, says he has no doubt, charged him with being reasonably suspected of murder. He remains in the jail until the time I have mentioned. There his position is this. The fact that he was kept in, and was so kept in after all the other prisoners were discharged, should be borne in mind. And notwithstanding all their secrecy in jails, and all the precautions they take with reference to the communication of one prisoner with another, or of the prisoners inside the jail with people outside—withstanding these, facts of this kind do get out, and possibly would be communicated by the prison officials themselves. Well, the other prisoners are discharged, but the Crown kept him there—the solitary person detained in custody upon the charge of the murder of the Huddys. The other persons who were supposed to be implicated are discharged. They are at large. The circumstances of the country are then completely changed, because we are then, mark you, in the month of September, 1882, when, beyond all question, the country was to some extent relieved from the frightful tyranny which had prevailed in the country before.

The *Solicitor-General*.—Perhaps it is right that I should mention the dates which are alluded to. This man was re-arrested on the 11th, and discharged on the 25th September. If there is anything material in the dates, as affecting the prisoner, it would be in his favour, and it is as well they should be known correctly. He was discharged as a suspect on the 11th, and was re-arrested on the 11th. I beg my learned friend's pardon for interrupting him.

Mr. *Teeling*.—I am very much obliged to the Solicitor-General for the interruption, because, as he says very properly, it is a circumstance which, if it tells any way—and I think it does—tells in favour of the

prisoner. He was discharged at all events, as we see from the statement of the Solicitor-General, on the 11th September.

Mr. Justice O'BRIEN.—He was discharged in October.

Mr. *Teeling*.—In September.

The *Solicitor-General*.—He was discharged on the 11th, and re-arrested on the same day, and was discharged on the 25th.

Mr. *Teeling*.—You see the meaning of that. If I don't mistake that was the date of the expiration of the then existing Coercion Act.

The *Solicitor-General*.—No.

Mr. *Teeling*.—Well, about that time. He is then set at large for some time, and that is the way which, as the Solicitor-General says, it tells in favour of the prisoner. He is re-arrested upon this very same charge, and between the 11th and 25th September there was the most abundant opportunity for the communication with his family, which would have enabled him and them to tell and concoct the story which they have concocted and told here to-day. There was the most abundant opportunity. I was slightly —

A *Juror* (Mr. Russell).—It is important that we should have these dates accurately.

The *Solicitor-General*.—You are quite right.

Mr. *Teeling*.—He was discharged—if I am wrong, the Solicitor-General will correct me. He was discharged on the 11th September.

Mr. Justice O'BRIEN.—And re-arrested on the same day.

Mr. *Teeling*.—Yes.

Mr. Justice O'BRIEN.—And he was finally discharged on the 25th.

Mr. *Teeling*.—Yes; we do not know how long it was after his discharge on the 11th September that he was re-arrested upon the same day. We have no information upon it; you have no information upon it; that is all I'll say. What may have occurred upon that occasion we have no information about whatever. I am at liberty to suggest to you that he had, even in the interval between his discharge on the 11th September, and his re-arrest on the same day, in the absence of any proof to the contrary, that he had an opportunity of communicating with his family, and so fabricating and concocting this story with the members of his family. I am at liberty to suggest, that even upon that day he had this opportunity; but I need not rely upon it, for there is time enough afterwards. But we have this; that on the 25th September he is finally discharged — that, gentlemen, upon that day he is finally discharged, and these proceedings before the magistrates, which resulted in the sending forward for trial upon his evidence and the evidence of the other persons. That took place on the 14th October. There was then an interval which gave the opportunity I have referred to. I am not driven to rely upon the other one, because you will probably be of opinion—and there is no use in my suggesting to gentlemen of your positions views that are not reasonable—you will probably be of opinion that the interval I have mentioned was just a technical difference of time—that is, that at the moment he walked out of gaol a friendly constable walked up to him, put his hand upon his shoulder, and brought him back again. But we have this: that, on the 25th September, he is finally discharged, and we have then, before the matter comes before the magistrates for judicial termination as to who is to be brought for trial, an interval up to the 25th October when the proceedings terminated, and my client was committed upon his evidence. Now, gentlemen, that is the way that the case stands as regards his communication of the secret, and I say, that that communication, having regard to the discharge of all the other men, mark you, before the 11th September, is given under circumstances which deprive it of any value whatever as a story upon which a jury should act for the purpose of sending a man to the gallows, because it is given at a time when he is worked out by the definite action of the Crown, as the person whom they have made up their minds finally to go against—that final determination being indicated by their action in the discharge of all the other men, and his detention in their place. Now, gentlemen of the jury, remember that a few months ago, as I said, some little freedom was given to the country that at that time people were looking abroad without fear and without dread of terrorism of any organization whatever, I care not by what name it is called. The position of Matthias Kerrigan then was this—that being finally set aside by the Crown as the person against whom they would proceed, and knowing that the fear and terror which had been over witnesses was withdrawn—because it is the experience of all of us that that time was contemporaneous with the progress of a better state of things in the country—knowing this, I say he made up his mind. Now I see how it is. “The Higgins are free men. The Land League is suppressed. There is no society which could throw its glamour of protection around them. They will tell the story, knowing it as they did, residing as they did, next door to where the murder was committed. Now is the time if at all,” and then he is out with his story. I say

that that story, a communication given under such circumstances as these—and these are the circumstances—ought to deprive it, in the minds of an impartial jury, of any credence whatever. Why? Because it is an interested statement, made at a time when he is in their power—made at a time when he is marked out for punishment by the Crown—made at a time when, if he does not make it, his doom is sealed; and when, if he made it, he would be made a free man. He gave it then, and under circumstances which mark it to be, as I denounce it in this case to be, the common information of merely a common informer, to save himself from the gallows, and to put another person there instead. These are the circumstances under which he gives that information; and I say that information, which merely amounts to the information of a common informer, who has complicity in the crime himself, and who comes forward for the purpose of getting a pardon from the Crown, is such evidence as you cannot act upon. I do not, gentlemen, blame the Crown here, in that state of facts, for putting this man upon his trial. Their position was this. They had no communication from Higgins at that time, but they had a communication made from the man who up to that time had been in jail, and having received no communication from the Higgins, and having received this definite account of the transaction from Matthias Kerrigan, they were bound to take that as evidence, and put it in process of legal enquiry, to submit it to the jury, and say to the jury, “there it is for you; it is a case for investigation; it is a case of suspicion; we are bound, in the interests of the public, with such evidence given by Matthias Kerrigan, no evidence yet given by the Higgins”—although the prisoner only anticipated them by a very short time—“the Crown are bound in the interests of justice to put the man upon his trial. But this is a very different affair, and it is for you to say in this case whether, with that information given by Kerrigan, these men should be allowed to go scot free until the case is sifted in court.” I beg leave to say, gentlemen, that that is really the position of the Crown in this case, and that being so I have no quarrell with them upon it. Now, gentlemen, I have exhausted what I have to say to you as going to show that Matthias Kerrigan was implicated in this transaction, and I think I have established that he had first of all a criminal complicity in this case, and that he has in reference to the same matter committed wilful deliberate perjury, by saying that he had nothing to say to the transaction. But it is also established through a question put by one of yourselves gentlemen, that, secondly, in addition to this perjury he has been guilty of the additional perjury, by saying that he was not served with the ejectment, while in fact he was served with it upon that occasion by poor Huddy. I say that in point of law, as his lordship will say to you when he comes to charge you, that if you believe that state of things, or if you are in doubt as to whether that is not the true state of things, you are not at liberty to act upon the evidence of this Matthias Kerrigan unless it is abundantly corroborated in the material matters as far as they go to touch the prisoner at the bar. That is binding on you. You are only trying the prisoner at the bar, and unless there is that corroboration you cannot act upon his evidence. I say that I have established a state of things which if it does not satisfy you that this witness is a man who cannot be relied upon, at all events does establish that the case is in such a position of doubt as that no reasonable jury unaffected by panic would act upon it. And, now, gentlemen, I am happy to say that I am approaching a portion of this case which will require very few remarks from me, and that is the question of how far there has been any corroboration given in this case, to the story told by Matthias Kerrigan, so far as it goes, to implicate the prisoner at the bar, and the Kerrigans of course generally. Now, gentlemen, the other evidence given to you in the case, touching the prisoner at the bar, is the evidence of the Kerrigan family, and two other witnesses were relied upon by the Crown, namely Mannions, and the two Hallorans. These witnesses exhausted all the witnesses for the Crown, so far as the immediate subject of inquiry is concerned—as to who committed this murder. They have rightly produced all the other witnesses in the case who would lead you through all the preliminary circumstances of the transaction, but you may put that evidence out of consideration altogether, because it gives you no assistance whatever, and the matter you have to consider is the evidence of the Kerrigans—the mother and the two sons, the evidence of Mannion, and the evidence of the two Hallorans. With regard to the evidence of Mrs. Kerrigan, I think I may say that you cannot rely upon it at all. It is the evidence given by a wife to save the life of her husband—that is really what it comes to. Because it is absurd to say that Matthias Kerrigan was to give information upon any theory like this, that he would be in a position to point out who the actual murderer was, and so to assist in the administration of justice. Well, gentlemen, the wife gives such corroboration to his story as you have heard, but it is the evidence of his wife, and certainly if Providence ever looks with mitigating eye upon the commission of perjury,

great as that crime is, one would say it would be in the case where a wife has committed it to save the life of her husband, and that is the position which Mrs. Kerrigan occupies in this case. The same observations apply, I do not think with less force, to the evidence given by the one boy of fair age, and by the other boy. The evidence that they are giving is evidence that is really not so much intended upon their part to put a halter around the neck of the prisoner, as to save their father from the same fate. The evidence given by people in that position and under such tremendous temptations to truth telling, I respectfully submit to you that, although possibly legal evidence as far as the two boys are concerned, is hardly the evidence upon which you can act, when you come to determine the fate of the prisoner at the bar. Now, I submit to your lordship, as a matter of law, that if the true view of this case is that Matthias Kerrigan is really an approver—that is to say, gentlemen, a person who was implicated in this offence himself, and has come forward to give this evidence against other persons for the purpose of removing that charge from him—if that is the case, then the evidence of his wife in point of law is no corroboration whatever.

Mr. Justice O'BRIEN.—I assent to that proposition.

Mr. *Teeling*.—It is a judgment in the case of the *Queen v. Neale* in 7 Carrington and Payne—a judgment of Mr. Baron Parke. So I have the opinion of his lordship, gentlemen, that if the position of Kerrigan is really that of an approver or person who had a criminal connexion with the murder himself, that the evidence of his wife must be wiped out of the case altogether, reducing the legal evidence of corroboration to that of the two little boys, given under the circumstances, under the terrible temptation that I have described to you, a temptation that it would scarcely be, even in the most angelic or perfect form of human nature possible to resist—given then under the influence of these coercive circumstances to save the life of perhaps a loved and honoured father; it was evidence that could not be relied upon.

Mr. Justice O'BRIEN.—Do not understand me as saying that that cannot be evidence in corroboration.

Mr. *Teeling*.—But it is perfectly plain that though technically that may be so, yet the value of it, gentlemen, is reduced to a minimum, and evidence which is reduced in value to a minimum should never be evidence upon which a jury should send a prisoner to a gallows. I can put the proposition in that way. We now pass from the evidence of the two little boys, but before doing so it is only right that I should call your attention to the evidence of one of them. I do not propose to do it in detail, because it will be done by my friend, Mr. Adams, who cross-examined the witness. But you cannot forget the remarkable discrepancy that existed between the story as told in his deposition and the story as deposed to yesterday upon the table. These differences were so marked that we thought it our duty, at the close of his examination, to read the whole of that deposition to you, and I think you appreciated these discrepancies, and that they are not mere verbal criticisms which you will see resorted to by counsel in desperate cases—it was not a case as to whether an “i” was dotted or a “t” crossed. That is not the kind of discrepancy which existed in the evidence given on the table and the evidence given when he had not so much opportunity of considering the whole of his story as he has had in the long interval between the month of October and yesterday. These discrepancies are clear enough and alarming enough to put his evidence out of the case, and then the only legal corroboration would be the corroboration of the other boy, whose evidence I dealt with, and who, if he is telling the truth, equally with his father showed a callousness, and want of consideration, and want of humanity such as, I think, has rarely been equalled, because, with full opportunities of making a noise, with full opportunities of calling attention to what was being done, he seems practically to have played his part without protest, practically to have done it without giving the slightest alarm to a human being who might have interrupted that frightful transaction. Well, gentlemen, if the evidence of the Kerrigans is out of the case as corroboration, how then does it stand? The only evidence that I then have to deal with, and to push aside from your consideration, and part of it I'll ask you to make evidence in my favour, is the evidence of the two Mannions and the evidence of the Hallorans. Well, I do not know whether, as these two Mannions gave their evidence, you took it down. It would be very difficult to do it. I have to tell you, and about this there is no dispute, that in the evidence of these Mannions—bear this in mind, for it is the vital part of the case—that in all the evidence of these men from the commencement to the close, there is no mention of the name of the prisoner at the bar as being present at any portion of the transaction. If necessary, now, I'll read to you the depositions of these two Mannions to put that matter beyond dispute, but if I was wrong I would be immediately stopped by the watchful counsel for the Crown, and immediately interrupted by his lordship. I am

interrupted by neither, and you will take it from me as established in this case, that from the commencement to the close of the evidence of the Mannions, they do not once say that Patrick Higgins, the prisoner at the bar, was present at any portion of the transaction that day. His name, gentlemen, does not merely not appear on the evidence that they gave upon the table there, but his name does not appear in one single line of the depositions which I have upon that table before me, nor is there one single word said about the prisoner at the bar. Well, gentlemen, if the Mannions and the Kerrigans are out of the case as corroboration of what I call the story of the common approver, then where is the remaining shred of corroboration and confirmation upon which the Crown are to rely for a verdict in the case? Gentlemen, the only remaining evidence of any of the persons who were witnesses of any portion of the transaction which occurred upon that day, are the two Hallorans, presented to you by the Crown, not cross-examined, not application made to his lordship, as was made in the case of Mary Moran, to treat them as hostile witnesses and to cross-examine them. The only other evidence of eye-witnesses is that of the Hallorans, truth-telling witnesses according to the Crown. What is their evidence? There is not from the beginning to the close of it one single word which goes to show that they saw upon that day Patrick Higgins do one single act which was of a criminal nature. Their evidence is this. That having heard, as I understand it, shots fired in that direction—there being a little hillock between them—they went to the garden wall, the father and son—that they took one rapid glance in the direction of the place where the shots were fired—that they saw undoubtedly, as undoubtedly there was men at Kerrigan's place, but that Patrick Higgins, whom they identified, was not down at the house of the Kerrigan's, but was just here, about a yard or so from his own door, at the end, doing nothing but looking out. "Convenient to his house," said both the witnesses in their own language—"Convenient to his own house, and doing nothing at all." That is the evidence of the Hallorans, fixing the locality of Patrick Higgins at that spot, and fixing also, which shows they are not inventing the story, other persons whom I ask you to say were the Kerrigans, at the place where the murder was committed, just close to the Kerrigans' house. Is that corroboration? Are you, upon the statement that when the shots were fired they looked across the wall, and saw the prisoner standing at his own door, at the place where he had the best right to be—are you to receive that as evidence of corroboration that he was at that moment in concert, or in sympathy, or in complicity in any way with the murderous transaction which was taking place at the house of another man. Gentlemen, it would be awful if the panic which is surrounding us—for that panic there is in this city at the present moment, no one can doubt, I feel it, I do not know if you are strong enough not to feel it—it would be awful if that panic should reach such a point, that there being no other reliable evidence in the case but the statement of a man that he saw the prisoner at his own house, doing nothing—if under the influence of panic that was to be taken as proving positively that he was then engaged in a murderous transaction; and, gentlemen, I cannot believe, great as is the panic, that it has yet reached that point. Unless, gentlemen, it has reached that point, no jury could be found, I don't care of what constitution, of one side or another, which could be induced upon such evidence as that to send a man to the gallows. But now, gentlemen, I approach the short statement of my own case, and I am glad to tell you that it will be a very short one. Well, gentlemen, my case is this: It is true, as sworn by the Hallorans, that at the time they leaned over the garden gate, the prisoner was, as they described it, shortly a little removed from his own house, or looking down the boreen. Well, gentlemen, he was looking down the boreen under circumstances that I will describe to you; but give me just one second before I do so, lest I should forget it; during the progress of the case, and I have now nearly concluded the observations that I have thought fit to address to you. I want to draw your attention to a point that was made by the Crown counsel yesterday when they tried, having presented Halloran a truth-telling witness, to treat him as a hostile witness, by applying to his lordship for the necessary and usual liberty to cross-examine him, which of course, they were entitled to do, even if we had striven not to permit such cross-examination. They thought they had made a great point, because they suggested that in his deposition, when he came to describe the position of the prisoner at the bar, he said that instead of standing immediately outside his own door, he was a little removed from it. He had seen him, as he thought, on the boreen between his own house and the house of the Kerrigans, and the Crown sought, and I suppose Mr. Murphy will labour the same point in replying—the Crown sought to fix upon that little word—that he saw him on the boreen, between his own house and Kerrigan's—"between" his own house and Kerrigan's—they sought to fix upon the interpretation of that word, that he saw him between those two houses on the boreen,

and at a considerable distance from his own house ; the man not having said that, and the word "between" as given in his deposition equally applying to any distance from his own house ; because that distance from his own house would be accurately and truly described by the word "between" the house of Kerrigan and his own house. I will now tell you what my case is. The Hallorans have told you that the prisoner was standing at his own door, and I will state to you now the circumstances under which he was standing. At that portion of the morning he had been out in his own barn, threshing oats. There were present in the house at that time, his wife—the family consisted of six members. Two of those were in America—about this there is no question or doubt, and two were residing in England. He had one little son living at home. That little son, will be proved to you—and it won't be contradicted by any evidence on the part of the Crown, because it is literally a fact—had been, and as a matter of fact he was, absent on that day. Now, whether he was present or absent does not really make any substantial difference, except that he was, as I am instructed, absent on that day, as will be proved by his sister, at Maam on the other side of the lough. Whether he was away or in his own place is not of much consequence, but he was absent on that day, and the only other inmates of that house were his wife, who, according to the laws of our land—and I wish they were altered—cannot be produced before you—cannot be, no matter how much we presented her, she could not be examined, she not being a competent witness—she cannot be produced, although I would gladly produce her if the law permitted—she cannot be produced, and the inmates of that house on that morning were her little daughter, Kate Higgins, and another girl named Mary Conroy, who had gone there to assist Mrs. Higgins in carding wool, but the wool not being ready, she assisted in threshing the oats. And those two girls while out in the garden, having each taken up a little load of oats for the purpose of threshing, their attention was called by hearing the firing of shots. They ran out. They saw what had happened on the boreen. They saw there were two dead persons there. They actually saw one of these Kerrigans—as he has deposed to it himself here—putting a body in a sack. They walked back to the house, and they there told what they had seen. I cannot tell you what they told, but they told the prisoner at the bar what had happened. He rushed out—just what any man under the circumstances would do—he rushed out—what, as I say, anyone would have done on being told that a murder had been committed in that place—that there were then two dead bodies lying on the road—he rushed out, and saw the appalling sight before him, and he did that which some of you may understand—and I do not see why he should not have done it, seeing that horrible scene, and knowing nothing of the men's murders, and being appalled, he did that which is often done under solemn circumstances—he crossed himself—he blessed himself—he invoked the Father, Son, and Holy Ghost—he rushed back to the house in terror, and remained there. The terrible *cortege* then passed on—the funeral passed by the two houses—his and the Kerrigans'—the body being carried, be it never forgotten—upon the back of one of the young Kerrigans—the strapping fellow who has been produced before you. He saw that terrible transaction, and rushed back revolting from it. You cannot blame him that he didn't go out ; you cannot blame him if, in the presence of that awful scene—having no one to assist him—no one at home but his wife and two little girls, and such assistance as he might have derived from his son if he had been present—he rushed back until that ghastly funeral went on. He had no more to do with it, I tell you upon my instructions—no more to do with that transaction than what I have just shortly indicated to you. Well, gentlemen, if that case be proved, I apprehend that you will have a simple duty, and that is, in acquitting the prisoner at the bar. I have concluded the observations which I intended to make to you. I am sure I have passed over some matters that I should have brought under your notice. I rely upon my learned friend to supplement those observations of mine. I rely on the conscientious supplement that you will give to them, if it be possible, in favour of the prisoner. I have discharged my duty now to him. I have respectfully to submit to you that he is entitled to a verdict of acquittal. He is entitled, I say, to a verdict of acquittal on the case as presented by the Crown itself without the production of a single witness upon his part ; he is entitled to it impartially. If he is not entitled to it upon that point he is entitled to it upon this—that the farthest point to which the Crown can press their case is that the whole of this matter is shrouded in doubt, and gloom, and difficulty. But if that is the only point, if that is the only extent to which the Crown can push their case, then, gentlemen, by that merciful principle of our law with which we are all familiar—that of the benefit of the doubt, where it is a rational one and a manly one, I ask for no other—even in the prevalence of this panic ; and he is entitled upon that second ground to your acquittal—the Solicitor-General asked

you to give this case a careful, a patient, and at least so far as the the prisoner was concerned a merciful interpretation. I fully recognise and appreciate the generous impulse which led the Solicitor-General to make that observation. But I must say I, standing as the advocate of the prisoner at the bar, ask for no mercy. I ask for no mercy for him if he be guilty of this offence—for if ever an offence deserved the fate of the gallows, undoubtedly then this offence, by whomsoever committed, deserves that fate. I ask for no mercy ; I simply ask for justice—that is, gentlemen, to be tried by the calm, unruffled, law of the land, not by the law of panic, and with your verdict so given my learned friend and I will be content.

Kate Higgins—an Irish-speaking witness—sworn, and examined through the Interpreter by Mr. ADAMS.

Ask her is she the daughter of the prisoner, Patrick Higgins ?—She is.

Is her mother alive ?—She is.

Does she reside with the prisoner ?—Yes.

Did she live with the prisoner at this place at Cloughbrack, in January last ?—She was.

In January last ?—Yes.

Ask her how many brothers and sisters she has ?—Two in England, two sisters in America, and one brother and herself at home.

Does she remember a morning last January when she heard shots ?—She does not, but she knows the day.

Ask her where her brother was that day ?—He was in Glentreague with goats.

Ask her does she remember that day—ask her was there anyone else in the house that day but her father, her brother, and herself and another girl ?—There was not.

Who was the other girl, ask her ?—Mary Conroy.

Ask her does she remember hearing shots on the morning of that day ?—Yes.

Ask her where she was when she heard the shots ?—She was coming down the garden with an armful of oats.

Ask her where her father was when she heard the shots ?—Within the barn, threshing oats.

Ask her what she did when she heard the shots ?—She was coming down the garden when she heard shots. She didn't do anything until she brought in the corn.

Ask her what she did then—did she run out ?—She put in the oats within the barn, and she and the other little girl ran out on the road.

Ask her what she saw when she ran out on the road ?—She saw two men in Kerrigan's "street," or yard, killed.

Ask her, did she see Kerrigan there ?—She did, she saw himself, and his wife, and his family.

Ask her, were himself, and his wife, and his family out on the road ?—They were.

Ask her, where her father was all that time ?—In the barn, threshing oats.

Ask her, did she go back to the barn ?—She did, and she told her father of it, and her father went out on the road and blessed himself.

Ask her, when her father blessed himself, did they go back ?—They did.

Ask her, did she see her father do anything to those two men that were lying on the road ?—She did not.

Cross-examined by the SOLICITOR-GENERAL, M.P.

Where is her father's barn ?—At the mouth of the door.

Is it under the same roof as the house ?—You could throw a potatoe from the barn into the house. There is about two lengths of a "loy," or spade handle from the barn to the house.

Ask her is it facing the house ?—It is.

How long had she been with her father that morning before she heard the shots ?—She says she was drawing corn until it was dark.

Had she been drawing corn with him all the morning from the time she got up ?—She was.

And her father was with her the whole time ?—Yes.

Her father was with her the whole day ?—Yes.

Was her mother about the house that morning ?—Yes ; she was tying corn from him.

Did she see Joe Huddy that morning, or John ?—She did not.

Did they not come to the house that morning to serve anything ?—They did not.

And what was the first thing that drew her attention ?—She was drawing oats to the father, and the father was threshing.

Where was she standing when she heard the shots ?—She was going down with a load of oats.

Where was she going down to?—Down the garden.

Was there a stack down there?—There was.

And after she heard the shots what did she do first?—She went and brought in the load of oats and threw it into the barn.

Then what did she do?—She went out then on the road by herself and the other little girl.

What was the name of the other girl?—Mary Conroy.

How far did she go on the boreen?—She went across until she saw the two men dead on Kerrigan's street.

Were they on the boreen?—On the street.

Was it on the street or boreen?—She said on the street, sir.

I know that, but I want you to ask her was it on the street or on the boreen?—On the street she says distinctly, when they were murdered.

Ask her how she could see them if they were on the street?—There were geese annoying them, picking oats, and she went across with them, and she saw them then.

Was she standing on the boreen herself when she saw the Huddys—the men?—She was going along near to the house when Kerrigan told her to make off or that he would do the very same thing to herself.

Who told her that?—Matthias Kerrigan.

Where was she when he told her that?—She was going over with the geese. She had no other way to go except she flew in the air.

Then she was going with geese—and she was going with geese at the time that Kerrigan spoke to her?—So she says.

Where was she going with the geese?—Driving them over, out of the way of the oats.

Where was she driving them to?—Driving them over the road—driving them over the boreen.

And how far was she from her own house at the time that Kerrigan spoke to her?—By his own house.

At Kerrigans' house?—Yes.

And then she walked with the geese up to Kerrigan's house?—She did. And then she ran off with her life, and she saw enough.

Did she go up with the geese when she heard the shots?—When she was going down she heard the shots. Although she heard shots she didn't return back, until she brought her load of oats.

Mr. Justice O'BRIEN.—When she was going down with the geese she says she heard the shots?

The *Interpreter*—No, my lord, she says not, but going back from the garden she heard the shots.

The *Solicitor-General*.—She was on the boreen at that time?—She was not; she first went down with the oats, brought them back, and then herself and the other little girl went down the road, until she saw what she states.

Were there any geese on the road at all when she went down to Kerrigan's house? Is it not in that direction that the geese and cattle of the village go down to the hill.

Was she driving geese down or was she not when she heard the shots?—She was not, but they were killed when she went down to the geese.

Then she left the geese and went on to Kerrigan's?—Yes, and ran away home, and says she saw Kerrigan and his son putting a man down into a bag.

She saw them putting a man into a bag—was that before or after they told her to go away, or that he would serve her the same way?—That is the time.

Was there anybody else besides Kerrigan there?—She saw no one but the Kerrigans.

How many of the Kerrigans?—She saw himself and his wife, his two sons, and his daughter.

The little boy, too—was the little boy there?—Yes, he was.

And Kerrigan's daughter?—Yes, and his daughter.

What is the daughter's name?—Mary.

Did she go back to her own house then?—She did.

Where was her father?—In the barn, threshing oats.

Was it after that he went out and blessed himself?—He blessed himself then, out on the boreen.

After she came back from the Kerrigans?—Yes. She has given a repetition of everything she said before—that it was after she saw the dead men that she went back and told her father, and it was then that he went out and blessed himself.

Ask her was there any reason why he did not bless himself in the barn?—He went out on the boreen, and when he saw the thing it was, then he blessed himself, and he gave orders to the rest of them to go into the house.

Saw what thing?—He saw Matthias's family gathered there.

Gathered where?—All by the boreen at his own house.

Was that what made him bless himself when he saw the Kerrigans ?
—When he saw the men murdered.

Was the man in the sack at that time ?—He was not.

Didn't she see the man put into the sack by Kerrigans before he went back to the house ?—He saw it as he was done his business, and no other one went near.

Ask her does she still swear that when she was up at Kerrigan's street, she saw Kerrigan put the man into the bag ?—She will, and she swears the truth.

Then she went back and told her father ?—She did.

And then her father went out on the boreen ?—He did.

And did he see the men then when he went out—the two bodies ?—He did.

Although one of them was in the sack ?—The two men were on the ground when he saw them, but she saw one of them put into the bag.

Where were they on the ground when she saw them ?—On the street.

Then does she swear that her father saw them on the street ?—She does.

Then how could he see them on the street if he was not up at Kerrigan's ?—When you would stand at the back of her house you could see the street of Kerrigan's and who were in it.

At the back of the house ?—That's what she says, sir.

Did she swear this minute that her father was on the boreen ?—And that is what she says now.

And that from the boreen does she swear that her father could see the men on Kerrigan's street ?—She does.

Ask her would not he have to look through the house to see that ?—He could not, he had no cause to do it.

Does she know a man called Michael Flynn ?—She does.

Did she see him that day ?—She did not.

Does she know a man called Tom Higgins ?—She does.

Did she see him that day ?—She did not.

Did she see Patrick Higgins (Sara), that day ?—She did not ; he might be there unknown to her.

But she was up at Kerrigan's, and there was no one there but Kerrigan's family ?—There was not.

Did you see anything carried along the road—the boreen ?—No, but she saw Kerrigan and his son putting a man into the bag.

What became of the bag ?—Kerrigan hoisted it on his son's back.

She saw that done ?—She did.

What did the son do with it when it was hoisted on his back ?—Took it down the boreen.

Did he pass her house ?—He did.

Then she saw it passing the house ?—She did.

And her father saw it ?—No, he was still threshing the corn in the barn.

Then, after blessing himself he returned to his business in the barn ?—He did.

And never came out when they were carrying the bag with the man in it ?—He did not.

Ask her did she see anything done to the other dead man ?—She did not.

What became of him ?—She does not know what became of him, or does not know who took him ; the man she saw put him into a bag, and he went away—that was Kerrigan.

That was carrying the man in the bag—who was with him when he was carrying the bag ?—His father.

And the two of them went down past her house with the bag ?—They did.

Was the mother with them ?—She didn't see the mother at all with them.

Nor the little boy ?—No.

Nor the daughter, Mary ?—No.

Did she ever ask what became of the old man—the other man ?—She did not.

Nor her father ?—

Mr. *Adams*.—Oh she cannot answer that question.

The *Solicitor-General*.—You forget that she has already sworn that she was with her father the entire day. (To the interpreter.)—She was not from him that day ?—No.

Not a moment from morning until night ?—No not at all.

Did she ever ask what became of the bodies of the two men ?—She did not.

Did she ever hear her father ask anything about them ?—She did not.

Nor the other little girl that was in the house ?—She did not.

Were the police there that evening—the same evening ?—They were not at her house, but went past by Kerrigan's.

She saw them going past?—She did not, but heard they past that way.

Very well. Now, ask her does she know that gentleman, Mr. Brady—She does not remember.

Ask her does she remember being sworn, and swearing informations before that gentleman on 11th October?—She does not.

In Cloghbrack?—No, she does not.

In her own house in Cloghbrack on the 11th October?—She replies she has no recollection at all. She never gave an oath.

Is her name Kate Higgins?—Yes, Kate Higgins.

Is she a daughter of Pat Higgins (Long)?—She is.

Has he any other daughter, Kate Higgins?—He has not.

She has no recollection of seeing, or ever seeing, that gentleman (pointing to Mr. Brady)?—No.

Did she ever see both these gentlemen (pointing to Mr. Brady and Mr. Bolton)?—[Witness here looked at these gentlemen, and replied]—“She had no recollection of it.”

Ask her did she ever swear to tell the truth?—She has no recollection of it.

Did she swear before these two gentlemen I am pointing to, “I am the daughter of Pat Higgins (Long)”?—She did not. She never took an oath.

Did she swear, “I am over twelve years of age, and I don’t know how much more” (quoting from deposition)?—She did not.

Did she swear, “I was at Glanlusk the morning the Huddys were killed”?—She says she was not at home; she said something to the police for fear they would take her with them.

Did she swear, this “I was at Glanlusk the morning the Huddys were killed”——

Mr Justice O’BRIEN.—I beg your pardon Mr. Solicitor-General, I had a difficulty in hearing the answer to that last question.

A *juror* (Mr. Russell). There is the greatest difficulty experienced by the jury in hearing the answers, there is so much coughing.

The *Solicitor-General*.—I will do that if I can——

Mr. Justice O’BRIEN (addressing Mr. Teeling, who was standing)—Take your seat if you please, Mr. Teeling.

The *Solicitor-General*.—Here is——

Mr. Justice O’BRIEN.—It is not a question, but she gave an answer already which the jury also desires to be repeated. She said something that she would be taken by the police.

The *Solicitor-General* (to the Interpreter)—Ask her what she said?—She said she told the police that she was in Glanlusk on Tuesday, but it was not the Tuesday the police passed by.

Now, tell her I am not asking anything at all about the day the police passed or what she said to the police. I am asking her what she said in the presence of these two gentlemen, the day she was sworn?—She gave no oath she says.

Did she swear this before them. “I was at Glanlusk the morning the Huddys were killed, at the house of a man named Stephen Collins”?—She did not swear it, but she is going to say what she did.

Did she say anything, whether she swore it or not in the presence of Mr. Bolton?—She does not remember she ever saw him.

Does she remember did she ever see the gentlemen in her life before?—She does not remember.

Did she ever see any gentleman (pointing to Mr. Bolton) in her father’s house, with a white beard?—There were a great many gentlemen going there by.

Does she see that gentleman (pointing to Mr. Brady). Did she ever see that gentleman in her house writing down with pen and ink what I hold in my hand?—She never swore this nor that.

Did she make her mark on that with the pen?—She did not.

Did she swear, “I went that morning from my father’s house when I eat my breakfast, and returned about the fall of the evening”?—In the morning, sir?

In the morning?—She did not.

Did she swear, “No one went with me to Collins’s”?—She did not.

Did she swear, “When I left the house that morning I left my father and brother behind me threshing oats”?—She did not.

Did she swear, “My mother was in the house also tying straw”?—She did not.

Did she swear, “My brother is older than I am”?—She did not.

Did she swear, “I did not hear of the murder of the Huddys until the police were looking for them”?—She did not.

Did she swear, “No stranger came into our house that morning”?—She did not.

Well, she had not sworn anything or put her mark to any paper whatever on that morning?—No.

And she never kissed the book until she kissed it here to-day?—She did not ever at all.

A *Juror* (Mr. Russell).—Ask her if she had any knowledge of Joseph Huddy—if she did not know him by appearance?—She did not. She did not know him.

She has sworn that there was no process of ejection served. Ask her if her father or mother never mentioned that there was an ejection served that morning?—She has sworn she never saw it. She did not.

Ask her where. I am at a loss, my lord, to understand what is the difference between the borean and the street.

Mr. Justice O'BRIEN.—Very well, Mr. Russell. I was about asking the same question myself.

Mr. *Russell*.—I fear I am giving a great deal of trouble.

Mr. Justice O'BRIEN.—I myself thought the borean was the street.

Mr. *Russell* (to witness).—I want to know where she saw the two dead bodies. Was it in the street, or in the borean behind Kerrigan's house?—In the street.

Very well. Does she mean by the street the yard in front of Kerrigan's house?

Mr. Justice O'BRIEN.—Tell her to put her hand on it—on the street.

(The witness then pointed out the position of the bodies already described).

Now, that is where she saw the dead bodies?—Yes, sir.

The *Solicitor-General*—Might I suggest to your lordship to ask if she says they were both there in the same place?—They were both there, she says.

A *Juror*.—Ask her what oath she has taken?—She replies, the oath. She asks me again is it a truthful oath. I asked her if she was sworn—if she was swearing at all, and she says she was, sir.

A *Juror* (Mr. Russell).—Did she draw a distinction between a truthful and an untruthful oath?—Yes. She states that an untruthful oath is eternal damnation.

Mr. Justice O'BRIEN.—She has no recollection of taking an oath as she has taken to-day?—I beg your pardon, sir; she said she did not take an oath, or did not make any statements wrote out here.

Mr. *Murphy*.—That she never kissed the book until she came here on the table.

Mr. Justice O'BRIEN.—What, Mr. Murphy—That she did not kiss the book until she came on the table.

Mr. *Adams*.—Ask her is not the Irish word for street “stroid,” or “troid.” Ask is not the word borean taken in the word “troid”?—She says part of the borean and the street is one.

Is part of the borean at the end of the house part of the troid?—She says—

To *Interpreter*.—What is the meaning of the word “troid”?—To his lordship—It includes all curtilage about the house.

Solicitor-General.—Tell her (the witness) not to go away altogether.

Mary Conroy sworn, and examined by Mr. ADAMS.

What is your name?—Mary Conroy.

Where do you live?—At Cloghbrack—Middle Cloghbrack.

Were you up at Pat Higgins' one morning in January?—I was, one morning in it.

What did you go up for?—I went up for Higgins' wife to card wool.

You went up to card wool then?—No, but for Higgins' wife to come to my house to card wool.

Did you remain there—was she ready to go down?—No, she was tying straw for her husband in the barn.

Did you remain at Higgins' for any time?—I stopped a time.

And that time you stopped there?—I did, sir. They kept me a time drawing oats into the barn.

Did you help to draw oats with Kate Higgins?—I did.

When you were drawing oats did you hear anything?—No; we were a while drawing oats, and we were going down afterwards for oats.

Did you hear any shots then?—I did, sir, but I did not turn after I went down with the load of oats.

You did not turn that you did not go out?—No, sir.

Mr. *Murphy*.—She went on.

Mr. *Adams*.—Did you afterwards go out with the oats on the borean?—Yes.

Well, after you went with the oats to the borean, and you went there, who did you see there?—The Kerrigans.

Did you see any bodies there?—No, sir.

Did you see a dead man there?—I did, sir.

Who?—I do not know, sir.

How many?—Two, sir.

Two dead men. Where was Pat Higgins (Long) when you ran down?—He was in his own barn threshing oats.

That is the prisoner there?—Yes.

After seeing the bodies did you run back?—I ran into the stable again, sir.

Did you tell him anything?—His daughter told him first, and he ran him out, and ran down again, and said, "God help us. Let us go on, and not mind it."

Did he go then into his own house?—To his own house.

Was he in the barn at the time you heard shots?—He was, sir.

Did you see him do anything to the dead bodies before they were killed?—No, sir.

Cross-examined by Mr. MURPHY, Q.C.

Did you hear any shots?—I did, but I don't know how many.

I suppose you did not count them?—No.

Were there five or six?—Yes, sir.

What did you think they were firing the shots for?—I did not think of anything.

You did not think of anything?—No, sir. They were so near to me.

So near to you. Very good. But you were going off fast at the time?—To the garden.

To the stack?—Yes, sir.

And you heard all those shots?—Yes, sir.

Were you astonished at the shots?—We did not turn after, sir.

Wait now, were you astonished at hearing the shots?—I was, sir.

Did you say "What is that"?—I said "I don't know Kate Higgins what is that." She said he did not know it either.

What did you say "After we bring in the oats we will go up and see"?—Yes I said that.

And you went—and were you a long time taking the oats out of the stack?—Yes.

And you were a good while taking down the sheaves?—We were, sir, and putting it in.

And tidying it?—Yes, sir.

And you were talking about the shots—what they could have been?

—Yes, sir, hearing them so near.

Hearing them so near. Had you seen Joseph Huddy coming up?—No.

You brought the girl back into the barn where her father was?—Yes, sir.

And did you see him then—when you heard the shots fired?—We did not. We went up the road a while.

Did you say to him you heard shots?—Yes, we said that there had been shots.

So you said about these shots, when you came into this man in the barn. He was then nearer the shots than you were?—He was.

What did he say?—He was threshing oats.

What did he say?—He said he heard something.

Something like shots?—Yes, sir.

Did he tell you then to go out, or what did he say?—We had run on ourselves.

And you ran out?—No, sir, we came in first.

Did he tell you to go and see what it was?—Yes.

Did you run up as quickly as you could?—We did.

How far did you run up in the breen?—It was not long at all, sir, to look.

To look—did you come as far as Kerrigan's house?—No, sir.

Did you come—this is Kerrigan's house (pointing on model)—this is Higgins's house down here, and the barn about here—this is the breen. Now, will you just show me the part you came to about?—Well, there—that side at the hill.

Oh you went on the breen and went up the hill?—Yes.

And it was there you got a view?—Yes.

And when you came out you ran up at once on the hill?—Yes, sir, we did.

You and the other little girl, Kate, ran up on the hill?—Yes, we did, sir.

Yes, and whereabouts there did you see the bodies lying?—On the breen—one of them on the breen.

Whereabouts now. Well, you were standing there at the hillock, and you saw the two men. Were they apart or together?—Yes, apart.

On the breen. Show me exactly where?—The witness then pointed out the position of the bodies.

Did you stop long at the hillock?—No, we were afraid.

Now, whom did you see about there?—I don't know.

Was anyone about there only the Kerrigans—only the old man?—The old man and his two sons.

And the little boy of all?—Yes, sir.

You saw all the bodies?—I did not stop there long.

Did not Kate run with you?—Yes, sir.

You know the Kerrigans—did you see them about the body there?—They were all going round entirely.

Going up and down from one to the other ?—Yes, sir.

Did you stop long or only long enough to see them going from one body to another at Kerrigan's.—you only took a short look ?—Yes, sir.

And were they about the body that was here (pointing to model) ?—I seen them going round behind entirely.

Were they walking about between the two when you saw them ?—Yes, sir.

Was the daughter there ?—No, I did not see her.

Tell me. She was not alone at the time ?—I do not know.

Did you not know that she was away at service ?—I heard that she was away at service.

A *Juror*.—Mary Kerrigan ?—Yes, Kerrigan's daughter.

Mr. *Adams*.—Did you stay long after that at Pat Higgins's ?—I did, sir. I was a good while in it.

When Pat Higgins came out, did he go up the boreen ?—No, sir.

Had he a view of the place where the bodies were, near his own house, or did he come up where the shots were ?—No, he stopped at his own house.

Did he go up the hill where you were ?—No, sir.

And were the bodies in the boreen still ?—I do not know whether he saw them or not.

You told him that you saw the two dead men ?—Yes.

You knew what the shots were for then ?—Yes, sir ; but I did not know who fired them.

But you knew who they were fired at ?—I did.

Did you see any of the men going down the road with the bodies afterwards ?—No, sir.

Where did you go to ?—I stayed a good while in the barn.

You saw not the bodies ?—Kate was going in and out.

You did not stir out ?—No.

Were there any geese there ?—They were up the hill.

They were down here [indicating] ?—No, sir, I did not see them.

Well, now you and Kate ran up the hill, saw the bodies, and ran back again ?—Yes, sir.

You did not go up afterwards ?—No.

She, Kate, was going in and out of the door ?—Yes.

Did the father, after he had blessed himself, take a look after that ?—He was minding his business. I did not see.

After he told you to mind your business ?—Yes, after he told us to mind our business.

Do you know Michael Flynn ?—I do, sir.

He does not live far away from this ?—No.

You know Tom Higgins ?—Yes, sir.

You did not get a sight of him that morning ?—No.

You know the other, Pat Higgins ?—Yes.

Did you see him ?—I did not see him that time.

You did not see him that day at all ?—No, sir.

Do you recollect seeing Constable Finn in October last ?—Tom Finn.

You know him and his Christian name ?—Yes.

You were talking to him about this murder ?—I was afraid of him to tell him a word.

Afraid of him to tell him a word ?—Yes.

Did he ask you if you knew anything about the Huddys ?—He did.

You told him you knew nothing ?—I did.

You told him that you did not see them that morning ?—Yes.

You said you went to school at 10 o'clock ?—Yes.

That was not true ?—No ; but I was afraid—I did not know any police up in the neighbourhood.

Didn't you know any police up country, didn't you ?—No.

How did you know him to be Tom Finn ?—While he was in the hut.

Hadn't he been there some time before that ?—He was, going in and out of the schoolhouse.

And wasn't it after the Huddys were murdered the hut was put there ?—Yes.

And Tom Finn was asking something about the murder ?—Yes, sir.

And tell me, when did you hear that your friend Kate's father was taken ?—Pat Higgins ?

Yes ; wasn't he taken before Tom Finn was asking you ?—He was.

And now why didn't you, for the sake of Pat Higgins, tell the truth, if it was the truth, as to what you had seen ?—I was afraid to tell him anything.

And you thought it safe to say you were not there at all ?—I did, sir.

You did ?—I did, sir.

Though you then knew that an innocent man was up for it—the man who blessed himself, and that was all he had to do with it ?—Yes, sir.

And you knew he was up for it ?—He put the sign of the cross upon him.

To be sure he did ; you knew he was up for it ?—He was.

Why didn't you tell this story then in order to get him, the sign of the cross, out of it ?—Well, I was afraid to tell it.

And then you made up all this ; not merely saying you knew nothing, but you made up this story about not being there that day at all ; and that you went to school at ten o'clock ?—I did, sir ; I told an untruth.

And did you go to school at ten o'clock ?—I did not.

That was altogether an invention ?—I did not go to school that day.

Was it a fine lie ?—It was a fine lie that I told Tom Finn.

And all the time instead of being at school you were up on the hill looking at what was going on ?—I was, sir.

Did you hear Pat Higgins talking at all as to who the two men were who were killed ?—He was saying he did not know what sort of men they were at all.

Or whether they were men or boys ?—No, he did not know what sort they were at all.

Did he say anything about where they were carrying the bodies ?—No, sir.

Or saying perhaps they may put the body of one of them near our house, and put the blame on us ?—He was not saying where they would put them.

He was saying that in the barn ?—Yes, on going in.

Didn't he take the flail and begin treshing again ?—Yes.

And while he was treshing was he talking about where they would put the body ?—Yes, he was.

What did you say—that may be they would put them into the lake ?—No ; but he said he did not know anything about them.

Did he say they may be after taking them to the lake ?—No, he said he did not know in the wide world where they would put them.

Did he say I don't know whether they were going to bury them ?—He did, sir.

Was he saying perhaps they will put them down in the lake ?—No, sir.

Wasn't there anything said about putting them into the lake instead of burying them ?—I did not hear him saying that.

You heard him saying maybe they will bury them ?—Yes.

He said maybe they will bury them on my ground ?—He did.

And so blame me ?—Yes, or some other person.

He said maybe they would bury them in my ground or some other ground and then blame me or some one else ?—Yes.

When you were talking of the danger of burying them so, I wonder you did not go out ?—No, sir.

And he did not go out himself ?—No, sir.

Were you talking afterwards about it at all ?—Yes.

Several days after ?—Yes, sir.

Then you always talked about it when you went there ?—Yes, sir.

You heard afterwards their bodies were found in the lake ?—I did, sir.

Did you think they were the same ?—I did.

What did Pat Higgins say—did he say they were the same ?—Well, he did, sir, maybe they were.

He said maybe they were ?—He did, sir.

You never mentioned anything to the police at all ?—No, sir.

When the hut came there, you did not say anything about it ?—No, sir.

Mr. *Adams*—Has not Matthias Kerrigan two daughters ?—He has, sir.

One of them is at service ?—Old Kerrigan—Mat Kerrigan.

Yes ; isn't one daughter at service ?—Yes.

And isn't one at home ?—Yes, he has.

Mr. *Murphy*.—How old is the little child ?—I don't know.

Is she younger than the boy, Martin ?—She is.

Mr. *Adams*.—Is she nine years old ?—I don't know.

A *Juror* (Mr. Russell).—When you heard the shot you went on with your work a little bit—did you and Kate Higgins go out together ?—We did, sir.

Did you go straight up to that land there ?—We did, sir.

Were you and Kate separated at all until you came back, and went to the threshing of the oats again ?—Yes, sir.

Were you parted from each other ?—We were, sir, she went in before me.

And you were both on the hillock together ?—Yes, sir.

May I ask for the recalling of the last witness ?

Mr. Justice O'BRIEN.—To be sure. I have one question to ask the witness. Put forward the other girl. (To juror).—Is it for the purpose of asking some question from the other witness ?

Juror (Mr. Russell).—I wish to ask her whether she stood on that hillock.

Mr. Justice O'BRIEN.—There is an objection to that. Her own evidence stands on entirely different footing. She says she was standing on the breen; it is hardly a matter to be explained at all.

Juror (to witness).—Did you that day, when you went out upon the hillock with Kate Higgins, say anything to the people you saw on the road near Kerrigan's?—No, sir, only to run in again.

Did you see them put any of the bodies in the sack?—No, sir, I did not remark any more. She was going in and out.

Mr. Adams.—If the juror wishes to have Kate Higgins recalled we have no objection.

Juror (Mr. Russell).—I have a right to draw my own inference.

Mr. Justice O'BRIEN.—She is absolutely distinct on the subject.

Mr. Murphy.—Five times repeated.

Mr. Teeling.—She was not asked the question.

Mr. Justice O'BRIEN.—Call back Kate Higgins.

Mr. Murphy.—I would respectfully submit that you read that portion of her evidence to her, for my recollection is, that at least five times she distinctly repeated she was going on the road—driving geese up the road.

Kate Higgins recalled, and further examined.

Mr. Justice O'BRIEN (to Interpreter).—Ask her where she went when she came out after hearing the shots, and leaving the corn inside. Let her point out what way she went, and where she went (stick handed to witness)?—About that length from her own house. (Half way down the breen, towards Kerrigan's house).

Mr. Adams.—Will you allow her to be asked how often she went down to where the bodies were?

Mr. Justice O'BRIEN.—Ask her when she went out, and saw the bodies that day, didn't she go back, and did she go out again after that time or did she remain inside? It was then, secondly, she went with the geese. She took the geese along the breen.

Was she off the breen at any time?—Not either time.

She did not leave the breen either time?—No, not on either of the two times.

The *Solicitor-General*. I am informed there are no more witnesses to be called for the defence.

A *Juror* (Mr. Russell).—Might I ask to have the doctor recalled.

Mr. *Newton Brady*, R.M., recalled, and examined by the SOLICITOR-GENERAL.

You are sworn already?—Yes.

Did you see the girl examined here last, Kate Higgins?—I did.

Did you, on the 11th October, go to her father's house in Cloughbrack?—I did.

Who went with you?—Mr. Bolton, Crown Solicitor.

And who else?—The interpreter.

A man named Collins?—Yes.

Is he here?—Yes.

Was that girl brought before you?—She was.

Was she sworn?—She was.

Was the interpreter sworn?—He was.

Did she kiss the book?—She did.

Was the oath administered to her—you don't know Irish?—I am accustomed to hear the oath given in Irish, and I would recognise it.

Was she sworn?—She was.

Did you examine her?—Yes.

Were her answers interpreted by the sworn interpreter?—Yes.

Were they written down in her presence?—They were.

Was it read over to her?—Yes, and interpreted through the interpreter.

Did she express her agreement with it?—She said that was all true.

Did she then put her mark to it?—She did.

And was that formal information taken on the 11th October?—It was.

And doesn't that information correctly state the answers she gave through the interpreter?—Perfectly correct.

Was Mr. Bolton present the whole time?—Yes.

Mr. Adams.—I have nothing to ask the witness.

Bryan Collins sworn, and examined by the SOLICITOR-GENERAL.

Are you a constable?—Yes.

Are you able to speak Irish?—Yes.

And understand it when interpreted?—Yes.

Were you, on the 11th October, present at the prisoner's house at Cloughbrack?—Yes.

With Mr. Brady, the magistrate?—Yes.

Did she see that girl, Kate Higgins, that was examined here to-day ?
 —Yes.
 Were you present when she was sworn ?—Yes.
 Did you repeat the oath in Irish ?—I did.
 And did she understand it and kiss the book ?—She did.
 Was she then asked questions and examined ?—She was.
 Did you explain in Irish ?—I did.
 Did she give the answers in Irish ?—She did.
 Did you translate these into English ?—Yes.
 Was that taken down in the presence of Mr. Brady ?—It was.
 Was it read over to her afterwards ?—It was.
 Did you repeat it to her in Irish ?—Yes.
 Slowly and deliberately ?—I did.
 Did she understand it ?—She did.
 What did she say ?—It was true.
 Did she say it was true ?—Yes.
 Did she afterwards swear it ?—Yes.
 Is that the information ?—Yes.

Mr. *George Bolton, Crown Solicitor*, sworn, and examined by
 Mr. MURPHY, Q.C.

Were you with Mr. Brady in this house when this girl, Kate Higgins swore this ?—I was.

Did you see the interpreter sworn and hear him told a conversation with the witness ?—I did. It was done under my direction.

Mr. *Adams*.—This gentleman does not know Irish, surely.

Mr. *Murphy*.—You heard her sworn ?—Yes.

And Mr. Brady was there present ?—He was.

The *Solicitor-General*.—We enter this document—(Kate Higgins's information handed in).

Mr. Justice O'BRIEN.—There is one further witness that ought to be examined.

Mr. *Bolton*.—Yes, Constable Finn.

Dr. *Hegarty*, recalled and examined by a Juror.

Mr. *Russell*.—Are you able to tell the jury whether there was any wound on the elder Huddy's head that might have been caused by a stone ?—No, I did not perceive any wound.

You observed no wound—was the body in an advanced state of decomposition ?—It was not.

Mr. Justice O'BRIEN.—What was the first injury you discovered on the body ?—Bullet wounds.

You said you found five altogether—four in the head and one in the shoulder ?—Yes.

What part of the head ?—One in the front, one behind, and one on each side ; the bullets on the side had glanced off.

Which of these had penetrated ?—The one in front and the one behind.

Was either of these sufficient to cause death ?—Oh, yes.

The person shot by either of these wounds, would he fall immediately ?—Yes.

Are you able to inform the jury, or to form any opinion, bearing in mind the fact of the wound in front and the bullet wound in the back of the head, whether or not these four bullet wounds proceeded from a weapon held by the same person, or more than one person ?—I could not say, my lord, because two of the bullets were broken to pieces in the brain.

I don't mean from comparison of the bullets, but from the situation of the wounds, one in front, one in the back, and one at each side ?—I could not say.

Was the hair still upon the head of the man ?—It was.

The *Solicitor-General*.—Was there any discolouration about the head ?—There was discolouration between the shoulders behind.

A *Juror* (Mr. *Russell*).—Might that have been caused by a blow ?—Yes, it was possibly from a blow. At the same time, I think it was *post mortem* lividity. It might be something else, I cannot say positively. The rest of the body appeared to be well preserved. In all bodies after death, there is a black mark at the place on which the body rests ; if it lies on the back, the mark will be on the back, and if on the shoulder it will be on the shoulder.

Mr. Justice O'BRIEN.—That is supposing it lies for some considerable time ?—Yes.

This lividity would then take place ?—Yes.

Matthias Kerrigan recalled, and sworn, and examined by the SOLICITOR-GENERAL (through Interpreter).

Ask him has he any daughters—He has, two.

What age is the eldest?—He thinks the eldest is eighteen this harvest.

Was she at home the day the Huddys were killed?—She was not.

Where was she?—At service.

What age is the other daughter?—She will be ten next St. Stephen's Day.

Mr. Justice O'BRIEN.—What is the name of the eldest?—Bridget.

What is the younger's name?—Mary.

The *Solicitor-General*.—Does he know Kate Higgins?—He does, indeed.

Ask him did he speak to her or she speak to him on the morning the Huddys were killed?—She did not speak to him nor he did not see her that morning at all.

Is it true she came up his street on the morning of that day and that he told her she would be served the same way?—He did not say the like since he was born.

Mr. *John H. Ryan*, C.E., recalled and examined by the SOLICITOR-GENERAL.

Is this part of the model quite correct (pointing to Kerrigan's house)?—Yes, up to the black mark near Higgins's house.

And the fall of the ground is down this way?—Yes.

Where is the barn belonging to the prisoner's house?—I don't know exactly. I did not make an exact measurement of Pat Higgins's house, only this one of Kerrigan's.

Mr. *Murphy*.—Where would you first get a view of the street?—You would certainly have to go to the turn of the road before you could possibly see the street.

Mr Justice O'BRIEN.—You should go to the angle of the road?—Yes.

Mr. *Murphy*.—The curvature of the boreen is accurately represented here?—Yes.

And any one standing where Kate Higgins said she stood could not see the bodies where she said they lay?—No.

Mr. *Teeling*.—There is portion of the wall along the boreen of loose stone?—Yes.

I am glad I asked this—this model represents a wall of some consistency?—It is a loose wall; but all walls are represented that way. It is irregular; it is not very much broken; it is very well defined; all along the walls on each side are of that character to make the boreen quite distinct from the fields on each side.

A loose sort of wall with gaps here and there?—No, I think not; I could not say there are any gaps.

Mr. Justice O'BRIEN.—Are there any gaps at the prisoner's house?—No, I did not notice any at all. The chief gaps occur where the street abuts on the boreen. It is the usual thing in the country.

Mr. *Teeling*.—This model has only been made quite recently, and represents matters as they now are?—I meant to try to represent it as it was at the time of the murder.

Then am I right in saying this model represents an imaginary state of things?—It represents the correct state of affairs as far as the ground, and the delineation of everything on the ground, is concerned. Of course it does not represent the state of the seasons, summer or winter, exactly.

Mr. Justice O'BRIEN.—But the trees are there, and the wall, and the house?—Yes.

A *Juror* (Mr. Russell).—And the boreen is correct?—Yes.

Mr. *Teeling*.—You said part of the model had to be readjusted?—I said so.

Mr. Justice O'BRIEN.—And it was Mr. Ryan himself who corrected it.

The court then adjourned for lunch.

Mr. *Adams*.—May it please your lordship, and gentlemen of the jury, it now becomes my duty to offer a very few remarks to you on behalf of Patrick Higgins (Long), the prisoner at the bar, standing his charge here for the murder of Joseph Huddy. And, gentlemen of the jury, as far as the Crown case is concerned, my task has been rendered very light indeed by the speech which was delivered early to-day by my learned friend and leader, Mr. Teeling. I am sure he will not consider it insincere my saying what every man in this court must have felt, that an abler or more powerful speech I never heard delivered since I had the honour of being called to the Irish Bar. Gentlemen of the jury, there are, of course, certain topics which it is the duty of prisoner's counsel to always urge upon juries; and, gentlemen,

that counsel forgets his duty to his profession and to his client, if from any fear that these topics were hackneyed or worn out or were threadbare, he fails to remind every jury before whom he appears o what is their duty on behalf of the Crown and the prisoner at the bar ; and above all, when he is defending a man charged with a capital offence. And, gentlemen of the jury, my lord will tell you that the plain duty of the jury here is only to find a verdict if they are certain beyond aye or nay—a verdict of guilty if they are certain beyond aye or nay of the guilt of the prisoner at the bar. If you are enabled by the evidence given here on both sides, and by its careful consideration, to arrive at that condition of certainty, that you are as certain as you are of your own existence—as certain as that the sun rises each morning, then I say, and then only, it is your duty to pronounce a verdict of guilty. If, gentlemen, this was a civil case, if this was an action about the possession of a bit of land or the price of a horse, when you would have retired from that box it would be your duty to weigh the evidence carefully ; but more particularly in a case of this kind it is your duty to weigh the evidence of the Kerrigans in one scale and of Higgins' witnesses in the other scale, and arrive at the best conclusion you can, balancing one side against the other. But that is not alone your duty in a criminal case, and above all, in a capital case. If you are only able to say to the Crown what Festus said to Paul, "Almost thou persuadest me," if you are in that position you are bound to find a verdict of not guilty ; but to find a verdict of guilty it must be proved beyond aye or nay—beyond all rational doubt—proved with as much certainty as that the sun rose this morning. Gentlemen, I ask you has that case been so proved ? If you are left, for example, in the condition of mind—I don't say you are, for my contention is that you are considering this evidence of guilt as taken off the shoulders of the accused, and put upon the shoulders of the man, who, to take his own neck out of the rope, has tried to fasten the rope on the neck of his neighbour—but, if, gentlemen, you are left by the evidence in this condition of mind, that that day Joseph Huddy, and his grandson, were murdered at Cloughbrack—and the transaction is involved in mystery—for we don't believe that any witness examined here has told the truth—that truth which will never be discovered till after the day when the secrets of all hearts are laid bare—but if you retire from that box in that mental condition of doubt, my lord will tell you it is your duty to bring in a verdict of not guilty. Is this case proved ? That's the question. Gentlemen of the jury, I will first address to you a few words upon the testimony of Kate Higgins and Mary Conroy ; and I say that these girls, though they left that box of course with a certain cloud over them, for not having told the truth on a former occasion ; when the case is fairly considered, and when their evidence is compared with the Crown evidence, you must believe what is the only thing you are asked to believe by me, that their evidence is satisfactory, and that Patrick Higgins (Long) did not commit the murder. If you believe these girls told the magistrates and the police ten thousand lies—I say they did not—but if you, as I assume, believe what they said, that Patrick Higgins (Long) was in his barn when these shots were fired, he is entitled to your acquittal. Gentlemen, the Crown possesses of course the service, of the first advocates of the day—possessing of course these enormous advantages which the Crown possesses in cases of this kind—a bottomless fund of money—able ministers to collect evidence—able counsel to conduct their case, every advantage men could have against this poor peasant brought up here, from the remote part of the country in which he resides, and not even understanding the language in which the trial is conducted. They have assailed the evidence of these girls. You are not asked here, gentlemen, whether they told lies to the magistrates and the police ; but if you believe that it is true as they swore—that Patrick Higgins (Long) did not commit that murder, the prisoner is entitled to your verdict. What did they tell you in their story ?—That they were both in the house, and they heard the shots. They don't appear at first to connect the shots or noise they heard with any tragedy or murder. One of the witnesses was about to say yesterday that shots were often heard in the neighbourhood, but he was stopped. I don't know, gentlemen, whether it is a district where sports are carried on or not, but every one knows it is a common thing to hear shots if sports are carried on there. But they heard the shots, went out, and they saw two dead bodies. They came back and told Patrick Higgins (Long) what they had seen. He went out, blessed himself, and went back ; but you are asked, and will be asked in an able speech, not to believe these girls. And why not, believe them ? First, you are asked not to believe Kate Higgins, because when she was confronted with the magistrate it was said she made a deposition, which was untrue. Now, gentlemen, if that is a reason for disbelieving Kate Higgins, you can't believe a word that was stated by the Crown witnesses, because I ask you to arrive at this conclusion as men of common sense, that whole district was threshed and re-threshed

by the magistrate and the police, and up to a recent date not one word of information could be obtained about the murders, and that Kate Higgins and Mary Conroy told lies on a former occasion is only applicable to the whole district of Cloghbrack, and does not touch the question. But what was the story which Kate Higgins told on a former occasion? She told an untruth I admit. She saw her father's hut filled with police—her father either arrested or in danger of arrest, and she was full of fear that she too would be included in this desperate charge if she admitted she was there, and would stand here to-day at that dock to answer this charge. And what did she do? She did not attempt—and it would have been most important, to set up an *alibi* for her father—but she said, “When I left the house that morning I left my father and brother behind threshing oats; my mother was in the house also tying the straw.” She attempts to make no *alibi* for her father. She admitted he was there. She says she herself went away—that was a lie. It was told out of fear. It was told when she knew her father was charged with the crime. It was told when she knew the shadow of that crime was over the whole district. It was told though, and fear is no answer here; but if this was a concocted story to save her father, made up by that daughter, I ask you would she not have said instead, “I was at the house, my mother was at the house, but my father was away—somewhere ten or twelve miles distant.” That would be a concocted story, but there in presence of the police, fearing if she said she was present, she told a lie, and denied her presence there, but she did not tell the story in the way a person would who would concoct a story. But you are asked, gentlemen, to disbelieve her on these grounds. Certainly, she and the other witnesses were not treated with any great tenderness when the question came as to localities. Gentlemen, you are not to hang this man on the strength of the accuracy of this plan—you are not to hang him on the strength of what the daughter says, that he only went there, and there (pointing to the plan) or on the theory that the walls there in that plan are in the same condition that they were in on the month of January, 1882. You are not to hang this man on this plan which to give it any strength of accuracy, the engineer, who no doubt is most proficient, and prepared in some respects a very good plan, had actually to tear up one of the houses by the foundation and twist it round to give an accurate idea of how it was. If he had not come here to-day to give evidence, and that was presented to you and the court as an accurate plan of the scene of the murder, and something turned upon it about a man looking out of a window here [pointing to plan] and saying that something happened over there, might not a strong argument be constructed as to how he could see from the point he said he was at, when in truth and fact the first operation the engineer had to go through to give a semblance of accuracy to the plan was to tear up the house and turn it around. And are you to say then that this plan is not constructed rather more with an eye to the picturesque than accuracy. Now, I say the evidence of Kate Higgins and the other girl in the all important parts is perfectly connected, and is borne out by the other evidence in the case. But let me first, gentlemen, direct your attention to the evidence of Mary Conroy. She, too, was interrogated by a policeman who never was produced—who never told the circumstances under which he interrogated her; but she was interrogated by a policeman, and she gave him an inaccurate account of the transaction, knowing that the whole district was implicated in the charge of murder—that poor girl knowing, too, that many persons were actually arrested and confined in Galway gaol. But, gentlemen, are you to say that because she did not tell the truth to a policeman, not knowing for what purpose he wanted the information—and bearing in mind the unwillingness of country people to give information to the officers of the law, are you to say that that is a sufficient reason why you are not to believe this girl. The story told by these girls, gentlemen, is in the main features true, although contradicting each other in small particulars. Old Higgins was in the barn. The girls were feeding him—feeding his flail—with oats, when they heard the shots. They don't appear at the time to have regarded it as an astounding occurrence, and the thought of murder never occurred to them. They put down the oats and went out to see what was up, and when they went down the road they saw the Huddys lying dead. Now, gentlemen, whether they went down the road or went up by the field is a matter which, at the expiration of twelve months, girls may very well indeed be mistaken about. That they saw the Huddys lying murdered there was the great fact that would burn itself into their minds. You have already heard, gentlemen, that this fanciful plan does not represent the true position of the Connemara district. I will tell you why. Anyone who looks at the walls will see big stones, and between them black matter that connects them some way. I myself believed, until the engineer was examined, that these were built walls of mortar and stone, but it turns out now that they are mere stones one placed on top of the other.

Everyone knows that the face of a wall of that kind is of a most unequal description. It may be up high in one place and down at another, and suppose that these girls keep the boreen or stepped across the wall, which at the highest is only a few feet; and then that they went a little bit up here (pointing to plan) to see what was going on, or walked down here—surely it is a matter which any human being may be mistaken about at the end of twelve months. But the great fact is that they went out, saw the bodies, returned, told old Higgins what they had seen, and then he went out and viewed for himself. You heard that story, gentlemen; and it is for you to say whether that is probable or not. And then they say that the younger girl, Kate Higgins, notwithstanding the threat used against her, was going in and out, under the pretext of driving the geese; for she should have some pretext to go down there, even when her life was threatened. She must have gone down again and seen the murdered bodies, and the men putting them in the sack. She says she was down there twice. Mary Conroy says she stopped in the barn; but Kate Higgins was running in and out. It is quite plain, and I can see the whole transaction as if it was reenacted before my eyes; but it is for you, gentlemen, to say if it is a rational and intelligible explanation. Patrick Higgins threshing in the barn—they heard the shots—the girls run out to see what occurred, and running down here or along the boreen—along an imaginary lane—with walls not properly built, but the stones all loosely placed one over the other, until they came to the end of the ditch, and then they saw what was going on, and ran back. The girl Mary Conroy was terrified, and admitted that what she saw remained on her brain. The girl Kate Higgins went out again, and was again driven back. They were anxious to see what was going on, and made the most of everything, but now questions are raised as to whether they are accurate in what they state, or whether the old man could see the bodies from the point indicated or not. In the first place, that would be to ask you to hang the prisoner, Patrick Higgins, alone on the accuracy of the plan, when the engineer himself admits that he had to tear up the foundations and twist it round in order to give a semblance of accuracy to it. This is the way in which this plan has been prepared, on the accuracy of which you are asked to hang this man, and no amount of explanation can make this plan as it stands an accurate plan, for here again he builds the wall running up to the yard. “No,” said he, “that is wrong—this house should face more round that way,” and he turned it round that way. If that plan is right, observe between the end of the wall and the gable end of the house, there would be a gap of some five or six feet. Then when he constructed the plan originally the wall of the house—and the wall here running down the lane—was that right? It was not right, for the house should be that way (changing its position on the plan). Therefore, gentlemen, that cannot represent the condition of things at all. Why do I labour that so much? I labour it for this reason—to warn you against being guilty of the cruelty of hanging a man because you believe that on this picturesque plan the rise of the ground here (pointing) is so accurately represented that a man could not see down to the end, or that it represents the state of things with much photographic accuracy. But as to this remarkable plan, I must say there was one thing about it that puzzled me more than anything that ever occurred to me in my professional experience. Remember it is not a plan that can be relied upon to give a right description of the locality to you. It is not a plan to enable you to follow rightly the lie of the place; and yet it is a plan which, on the cross-examination of these two young girls, is relied on for the purpose of hanging Patrick Higgins, by saying that from the position where he stood he could not possibly see the bodies of the Huddys. But what was to prevent him?—They could go into the big house if they liked, and then there would be only a field between them. But where is the boreen there? Any man can, by the exercise of his eyesight, see that it should be in the neighbourhood of the house, but there is not a trace of it. I don’t blame the engineer for it. I don’t believe that he prepared the plan with the view that this gritty field should represent the condition of things. He only put it roughly together to represent what he thought might have been the condition of things, and what I say is that the plan is inaccurate, and that a person standing where Patrick Higgins was could see what was going on where the bodies were found. Gentlemen, I say you cannot accept this plan as an accurate one. The question of distance makes a great difference in this matter, and a few yards one way or the other is a matter on which any human being might be mistaken. I venture to say if any one of you were asked which of you first entered that jury room from your list you could not answer; and when these girls give evidence that Patrick Higgins (Long) was threshing in the barn, to expect them to fix on the exact spot he went to would be absurd. Then I say the testimony of these two girls must be regarded as a whole. You must say

whether, although they were called without an opportunity of communicating with each other, the one did not corroborate the other, and that Kate Higgins was running in and out—that she saw the two bodies lying dead, and saw the Kerrigans putting them into the sack, and went down once with the girl Conroy, and went out again, pretending to be driving the geese for she would not dare go down to the scene of the murder without a pretence. She went down the second time, and saw the bodies thrust into the sack. That evidence is borne out by Conroy, who said she saw Kate Higgins running in and out. I ask you is that statement made to the place to free themselves, and bring themselves from the scene—but not as a concocted lie to save that man—is that to weigh against the testimony of these two girls? No, gentlemen, the doctor was called, and he was asked a most important question. If the story of Matthias Kerrigan is true, we know how it was that Joseph Huddy met his death. Joseph Huddy was an elderly man, but there is no pretence that he was a decrepit man. No, he was in as good health and physique as any man of his age. He was on the road, according to the story of Kerrigan, on which you are asked to hang this man. Patrick Higgins, the prisoner, he says, came behind him and downed him with a stone. You know, gentlemen, that a man may have his skull fractured by the blow of a stone and will not be killed by it. A man may have his face cut into the bone, and will not be killed by it. A stone may cut five inches in but not level him to the ground. The picture given to you I say is false, when he said that a man came with a rock behind him and downed him with a blow. If that blow was given, bringing that man to the earth so prostrate that he did not move again or speak again, although he was despatched afterwards by pistols, gentlemen, I ask you as men of sense—as men of observation to bring to bear on this grave case—for, gentlemen, it is a grave case, as every one is that involves the life of a human being—bring to bear on it the light of your experience—and ask yourselves was it possible that that tremendous blow which brought this man speechless to the earth could be inflicted by that huge stone, and that, if so inflicted, it would not have left on the body of Joseph Huddy a discolouration—an abrasure—a laceration—bruises or marks of that enormous rock with which he was levelled to the ground. The body is found. It is found preserved in the waters of the lough after being there for twenty days. The doctor says that decomposition had not advanced far. He searches the body. He finds the bullet wounds, and he could not find, he said, on his direct examination, any other marks of injury. True it is, that he now tells us that there was some discolouration between the shoulders; but he tells you that when a man is lying dead one of the natural incidents that follow decease is that in some spot on the body—where the body rests—discolouration sets in. Gentlemen, the medical man examined here appeared to be a man of learning, ability, and experience, and he with all his experience cannot explain these things to you; but he tells you that he came to the conclusion then that that discolouration was caused by an injury; but it is plain it was one of the natural things taking place on the dead body of a man after death.

Gentlemen of the jury, he says whatever spot the body finally rests on, becomes discolored after death. There is not a pretence there was discolouration on any other part of the body except the spot between the shoulders. Then the body must have rested where the discolouration was. There was no other discolouration. The doctor says, in every corpse the place where the body rests, becomes discolored, but if the story of Matthias Kerrigan be correct, there was laceration, for the blow could not be given without causing the greatest injury to the place. You will have to consider this as a most important feature in this case. The witnesses may be lying, but there was one class of evidence which cannot lie, and that was the condition of the dead body of Joseph Huddy; and I say the story told by the dead body of Joseph Huddy is in its every detail a story which cannot lie, and I submit it tells forcibly in favour of the prisoner at the bar. No mark was found on the body—no mark was found on the body save the bullet wound. No mark of that blow of the rock or stone which, according to Matthias Kerrigan, rendered him speechless and insensible. But, gentlemen, that is not all. One of you put a question vital to this case. If you believe Matthias Kerrigan, he was not served with an ejectment that day. On that point alone the prisoner at the bar is entitled to your verdict, for you must believe Matthias Kerrigan was telling a lie in the most important part of the case. You cannot believe his statement about the rest if he told a lie in that important particular, when he said he never was served with the ejectment. Gentlemen, let me go over, even at the risk of wearying you, some of the ground taken by Mr. Teeling in this most important case. He told you the testimony of the Kerrigans alone is the evidence against the prisoner. You have it clearly shown in this most reasonable

case that this man Matthias Kerrigan knew the process was coming from the office against him. He knew the Oughterard sessions was to be on the 18th. He knew, and all the country people in the district knew, that the 3rd of January was the last day on which the processes could be served. You have Matthias Kerrigan the only man in all that place that had any knowledge of the coming of Huddy there. Let us consider what evidence there is outside that man against the prisoner at the bar. Young Mannion says he saw Flynn in the breen. This Mannion says he brought the body half way to the lake. Young Mat Kerrigan, he says, "put the body on my back; I did not see Pat Higgins (Long) there at all." Was there ever such a case presented by the Crown as this? A man is killed. One Crown witness carries the body half-way down to the lake, and he received it he said, from the son of the principal Crown witness. "He helped to put it on my back, I did not see Pat Higgins (Long) there at all." Gentlemen, the distances, as you see by the map, are small, the path to the lake is short. Mannion would have seen Pat Higgins (Long) if he was there. All that Mannion tells you is, "I brought the body to the lake." From the hands of another Crown witness he received it. At the house of another Crown witness the Huddys were slain. You have the whole *dramatis personae* of the murder here. You have Matthias Kerrigan the only man in the village that knew Huddy was coming out with the processes and who got a process from Huddy. You may take it that the Huddys passed in safety by the other doors. They passed in safety until they came to the door of Matthias Kerrigan. Huddy served his process and the job was done! You have Matthias Kerrigan, at whose door he died. You have his son, who took the body half way down to the lake—the son of the man who was concerned in the murder. In the family of the Kerrigan's you have the whole *dramatis personae* of the murder, as I submit. But you have also the unfortunate prisoner at the bar offered up as a victim by the Kerrigans to save their own necks, for, gentlemen, if Matthias Kerrigan did not tie the rope round the neck of that man in the dock, Matthias Kerrigan would be standing at the bar of this court, at this Winter Assize, on his trial for this murder. If Matthias Kerrigan were on his trial how forcible would be the evidence of Mannion, who received the body of the murdered man from the hands of the son of the prisoner. Then, gentlemen, you would be told by the Crown you were yielding to panic unless you brought in a verdict of guilty against Matthias Kerrigan, the men who brought this against themselves—a case of an overwhelming kind. They have saved themselves, it is true, but do not pay to justice—or rather to injustice—the price that is asked, and that is the sacrifice of an innocent man's life. Gentlemen, I fear I have grossly understated the case. I have told you that Matthias Kerrigan knew the civil bill officer was coming. You have him receiving the civil bill. You have his son carrying the body to the lake. You have the coffin, if I may so call it, in which the murdered man's body was carried coming, as he himself confesses, coming out of the loft of Matthias Kerrigan's house. Gentlemen, that is a tremendous point in the case. He does not say he told Pat Higgins (Long) there is a sack in the loft. The loft is a place in these little cottages generally used for storing things, and sometimes used as a sleeping apartment for some member of the family. Any neighbour coming into one of these houses has an opportunity of observing the condition of the houses, and the position of whatever furniture it contains, but no one but the man of the house knows what is stored in the loft. He knew where the sack or basket was to be got into which the body was put. He says Pat Higgins (Long), downed Huddy with a stone, and then that another man despatched him with a pistol. Pat Higgins (Long), he says, went into my loft, and got the sack. I have two creaves, I don't know which creave it was Joseph Huddy was carried to the lake in. Matthias Kerrigan was there with his son, and he has a vital interest in placing the guilt on another to save his neck. If the documents found on the dead body proved Joseph Huddy had served Matthias Kerrigan with the ejectment—if it was proved *aliunde* his creave was used, and his bag to carry the bodies to the lake, and proved by Mannion that young Kerrigan was found with the dead body on his back—if Matthias Kerrigan were on trial—you would be told in burning words that you would be perjured before God and false to your country if you did not bring in a verdict of guilty. Gentlemen, in Kerrigan and his family you have before you the *dramatis personae* of the murder. As to the testimony of the other people produced by the Crown, what is that? What is the testimony of these two men who were called by the Crown after carefully sifting the evidence? These two Hallorans heard the shots. They looked towards the place where the firing took place, and they saw Pat Higgins (Long), the prisoner at the bar, where he was described near his own door doing nothing at all! Does not that tend ten thousand times more strongly. What was the evidence of these two girls who were examined for the defence? Recollect, gentlemen, the Hallorans are Crown witnesses, and is their evidence not con-

firmation, strong as Holy Writ, of the evidence of the two girls, and that they were telling the truth when they swore that old Pat Higgins (Long) was threshing in his barn; that he came out when the shots were fired, and at the moment was seen at a hasty glance. It is proved he went some yards down the road and came back. That is the Crown case. It tends as I submit in every detail to show that the rope should be round the neck of Michael Kerrigan, and taken from the neck of the prisoner on whose neck you are asked here to place it. Gentlemen, you cannot give too much weight to the question of the papers that were found in the pocket of Joseph Huddy; and now, gentlemen, I will tell you why. Mr. Russell, one of the jurors—I will not pay him any compliments, but he and I have often met at opposite fields—we put a significant question—a question as to the documents found on Joseph Huddy, the process server. In a case of this kind, in which the life of a man is involved, counsel need not apologize for wearying you, for he is justified in stating everything which might tell in favour of his client. What is the course of the business of a process server? He starts in every case with two documents, one containing a sixpenny stamp, and the other a half-crown stamp, the latter document, with the half-crown stamp, being the original, and if the defendant does not admit it, the fact that he was served will be proved by the process-server (reading from the original) served so and so, and judgment goes against the defendant by default. Now it is quite possible that a man may leave behind him the originals, and bring some copies, there might be case for the formula of showing the original was one to which the person named pays no attention at all. It is perfectly impossible that any man would go to the trouble of bringing the originals without having the copy, for you will observe, the original is a thing he never serves that would be bad service. The original he kept with him, and a process-server making up his mind to serve A B would take an original with him, but he would also take the copy, for the original would be no use for service. What is the evidence of Constable Terence Dowd, who searched the dead body of Joseph Huddy? He found three originals only, Patrick Conner (Mark), Thomas Hyland, Matthias Kerrigan. Pat Conner (Mark), is the father of Mrs. Walsh.

Mr. Murphy.—That is an error.

Mr. Adams.—At any rate, gentlemen, you have it in evidence that only one Conner is proved to have been at Cloughbrack that day. That Pat Conner was dead at the time, and the only Conner of which we have any knowledge was the father of Mrs. Walsh, and Mrs. Walsh said yesterday—"Joe Huddy was at my house that day, he left me to process Bridget Conner," and the original of the Conner process is found on the dead body of Joseph Huddy, the meaning of that is that the woman is telling the truth. The second is Tom Hyland. Tom Hyland is not called for the Crown. He could have been; the Crown knew the significance of this evidence as well as you do, and they prepared their case with astounding care. They could have called him if they ventured to do so, and explain if possible the significance of Kerrigan's original being found on the body by showing that he was not served that day. I take it then he was served, there is no evidence he was not, and you have the original found on the body of Huddy, and the original of the process on Matthias Kerrigan, showing to my mind, having regard to the law of service, and the custom proved by Mr. Good, the most overwhelming evidence that Matthias Kerrigan was served that day with the process. Gentlemen, if Huddy's body or pockets were ransacked they would have taken away the papers. It is as plain as night the body was with untidy haste carried to the lake, They don't pretend it was ransacked. It is suggested the original was taken away. Matthias Kerrigan saw the whole transaction. Young Kerrigan conducted the body on this awful funeral march. The evidence leaves no doubt the papers found in Joseph Huddy's pockets were the same as when he met his death. The original of the process against Matthias Kerrigan was there. Where was the copy? It was served on Michael Kerrigan one moment before the job was done. Here there are four or five copies proved. Where are the originals? The copies are for Patrick Kyne, Lake Kyne, and another, Pat Kyne. No originals. Is it proved he had forgotten the originals, or that he was about to shirk the ceremony of showing the originals? But it is a remarkable thing that these unserved copies were for these people the Kynes, who lived further on from the scene of the murder, and who were therefore served, because Huddy's progress was cut short. He may have intended only to serve some on that day. He may have intended not to make two bites of a cherry. He passed some houses. He passed the village of "America," where, as sure as fate, some of the people owed rent. The only deduction you can draw, is that at any rate the originals represented persons who were served, that Conner was served, and Hylands, and Matthias Kerrigan, although Kerrigan swears he was not, and therefore the job was done. Gentlemen, there is only

one other topic I wish to press on you. Gentlemen, it has been urged on you that Huddy came that day to serve Patrick Higgins (Long), that he served him as he naturally would before he came to Matthias Kerrigan, and the solemn farce was gone through by the Crown of serving us with notice to proclaim that summons alleged to be served on us. If that civil bill was served on the prisoner, the original would be in the pocket of Joseph Huddy, where Matthias Kerrigan's was. The man is "drowned," pistols fired into his body, a sack brought out of Kerrigan's house and tied. There is not a single particle of evidence that anyone put his hand into the pocket of Joseph Huddy. It is proved no human being ransacked the pockets of the dead man. If the process was served on the prisoner, as alleged by the Crown, why was not the original found on the person of Huddy? Because he was not served. Of course it may be said in respect of any theory, there are difficulties; but you are to consider probabilities, and whether the absence of any original does not raise the greatest doubt that Pat Higgins (Long) was served, and whether there is not strong proof that Matthias Kerrigan was served. Gentlemen of the jury, there is only one other point to be observed. When Kate Higgins came forward to give testimony for the prisoner, for her father, she is treated as you saw. But the Kerrigans are put forward as irreproachable witnesses. That Matthias Kerrigan was in peril from the commencement is plain, for the grasp of the police on him is never relaxed. Some weight was put on the fact that these people, on the 14th October, told the same story; but this man, Matthias Kerrigan, having found a victim, was discharged from custody on the 25th September, and now that during a period of three weeks he had ample opportunity of conversation and intercourse with his family, and concocting the plot to take away this man's life and save his own. You are asked to give the most weighty regard to the story told here by young Kerrigan, and the substantial story he told the magistrates, but you are not to believe Kate Higgins, because she went awhile up the boreen. The story told by Martin Kerrigan was different from what he told before the magistrates. What was his story before the magistrates? "I was then in my house. I came out and saw the dead bodies." What is his story now? That he was outside his own door, and saw the whole murder from beginning to end—saw them put into the sack, and the whole thing. Ten weeks ago he told a different story. He pledged his solemn oath that he was then in the house, and the necessary implication is, all was over before he came out. Gentlemen, he was also asked did he ever speak to his father, mother, brother, or sister about this. Never a word. He having seen this awful murder, pledged his oath he never, yes or no, spoke a word about it to any member of his family. On that testimony you are asked to send the prisoner to the gallows. Matthias Kerrigan has the most tremendous interest in swearing away the life of Pat Higgins (Long), because he has to take off the rope from his own neck. Rightly or wrongly the police believed, not that Pat Higgins was the murderer, but that Matthias Kerrigan was the murderer, and they held him a close prisoner when every other human being from Cloughbrack was discharged. You will say what weight should attach to the suggestion of Mr. Teeling, that Kerrigan, knowing he was the murderer, fearing the state of things in the country, struck the brilliant *coup* by which he changed himself from being in the dock to the witness-box.

I have no intention of troubling you with any general remarks upon your duty. I thoroughly agree with my friend, that with the state of the country you have nothing to do. What you are trying there is not whether executions are not useful in checking turbulence, or in improving the condition of the country. You are to retire to your box and consider the question, is this crime proved beyond all doubt against the prisoner, and to consider it just, as if the whole of this country "wrapt in universal peace," and no crime of this kind ever was heard of before or in all probability will be heard of again. You were adjured by the Solicitor-General to be courageous. I also ask you to be courageous, and if you leave panic on one side, I ask you to leave it aside on another—not to be guilty of any moral cowardice, or to allow the balance of weight unreasonably to go one inch against that unhappy man. I ask you to consider that Kerrigan is the man who tries to save himself by fixing the rope round the neck of another. Does the evidence establish the guilt of Kerrigan? I say it does, but that is not the question you have to determine. Are you sure the prisoner is guilty? I say you cannot be.

Mr. *James Murphy*.—Gentlemen of the jury, I and those with me here prosecuting on behalf of the public, are glad that everything that ingenuity and ability could urge on behalf of the prisoner has been laid before you by the great ability of the two learned gentlemen who have so ably addressed you. The duty that devolves on them is quite distinct from the solemn duty imposed upon us. This duty, sanctioned by the custom of our profession in this and in every other country where the profession of the advocate has been known to prevail, sanctioned from

the earliest date that we have any record of advocates coming forward with their ability to defend, date. The custom and usage is, and the duty imposed on them is, that they should strive by all means, with all their ingenuity, to put aside, to trample out, to render unimportant, to put away altogether from the view if they could, of the tribunal before which they plead, any shred or particle of evidence that may tend in any way to bring home guilt to the prisoner. No matter how true the evidence against them may be, they are warranted in urging on the jury as false and unreliable. No matter how consonant with reason the evidence may be, and the facts that were established, they are called upon to exert themselves in making all these, have an opposite appearance with the jury, and to show that the facts are not consonant with reason, and that none of them can possibly tend to attach guilt, or even suspicion of guilt, upon the prisoner, who is their client. But our duty, our solemn duty is different from that. We, prosecuting on behalf of the public, should abhor the thought that for a moment we could bring home guilt to an innocent person. We should condemn ourselves in our own consciences, and before our God, if we put forward or urged as true evidence which we either knew or believed to be false. Our duty is to lay before the jury evidence which we consider is reliable to help the jury and the court to come to a right conclusion, and if the evidence establish the guilt we, of course, are bound by our duty to the public, because that is the duty we have here, not our duty to the Crown, or to those connected with the Crown living away from this land, but our duty to the public of this country, and the peace of this country, and the society in which we live, and with which our own welfare must be knit up—it is our duty towards them to exert ourselves, as best we can, by right and truth to bring home guilt to those who have brought it home to themselves by their conduct. Now, under what circumstances does this case come before you? A false and brutal murder was, on the morning of the 3rd of January, committed in this remote, but still tolerably well populated, district down at Cloughbrack. You have before you, now, the scene of the murder. The learned Solicitor-General was saying that he was about to state that it was almost without parallel, but, said he, though appalling, unfortunately I cannot say that it is not without having many equal to it in horror, committed in this our country, and unfortunately not without having some not only equalling but surpassing it, not very remote from the district where this was perpetrated on the 3rd January. The crime was committed in broad daylight, just about breakfast time. There is now no dispute as to that. There was, perhaps in order to suggest some other defence, there was for a moment some effort very properly made by the learned counsel for the defence to bring this down to some later period of the day, and some effort made with respect to the evidence of that woman who spoke English to go back from the word "Early" in the morning, and to bring it in between eleven o'clock and twelve o'clock. We have heard something about a funeral; but that is all out of the question now. It was committed early, and about breakfast time. That is now conceded. It is perfectly manifest that a good many—no matter how many there were who perpetrated it—in this tolerably well populated district, there were a good many who had knowledge of facts that were likely to bring home guilt to the perpetrators of it. And notwithstanding what my learned friends have said—perhaps they exaggerate the power of those who prosecute or investigate crime in this country, commencing with the constabulary, the magistracy and others, when our country was blackened and stained with these terrible crimes, they at least were without this great machinery for bringing criminals to justice—either the sympathy of the public around, or the readiness of witnesses to come forward to aid them in the investigation of the truth. We are now approaching the twelfth month since this terrible deed shocked the ears not only of the inhabitants of the island, but even of the rest of our Kingdom. But until the 11th of October, so far as we see here now—until the 11th October, no human being came forward to utter a word that would bring home guilt to the perpetrators of the crime. My learned friend Mr. Teeling who opened this case has spoken very properly in condemnation of these terrific crimes. I don't know whether he is right; he knows more on that matter than I do; whether he is right in the source to which he attributes them—from what league, from what organization, as he has ventured to tell you, I don't stop to inquire, but undoubtedly they sprung up in this country from some organization condoned by a government of hell, to perpetrate crime against human nature and the God of nature too. Remove these, said my learned friend, and I believe we may very nearly correct—remove these ghastly crimes from off the land, and our country may rival any other perhaps in its freedom from crime. But, gentlemen of the jury, nations do not, whole populations do not on a sudden turn esauins. If some there are so constituted by nature, or so depraved by teaching, that they assume the character of foul assassins, the vast majority, let us trust in God, of those around

though through terror and alarm, they may conceal the knowledge that they have of perpetrators of crime, yet if a God rules this world, if there are Divine promptings, if there are amongst the spirits, who if they suggest evil thoughts, also suggest good or holy promptings—if such there are let us hope they will not allow the consciences of all to remain for ever callous and slumbering, but that prompted, either from their own instincts, or from the workings of good within them, or from the lessons taught them by the ministers of religion, they will come forward and aid in the discovery of crime, for while they keep it secret they are burdened with the sense of a heavy crime themselves. And, said my learned friend, in September last or so, there was a symptom of the country awaking to its duty. There was a symptom of witnesses coming forward substantially to say, we witnessed terrific crimes, we will no longer keep them concealed within us; it cannot be, what would be the end of all this if by secret assassination, and under terror and threat we are suffered to live and thrive. And some wholesome symptoms did arise, and some terrific criminals were brought to justice, by evidence adduced that had long lain locked up in secret; and let us see now whether we have brought forward by some such promptings the terrible events of that day, and whether the evidence establishes that you have now before you one of the perpetrators of that awful deed. If you have—if it is brought home to you, as I will submit it is by as clear, conclusive, and irresistible evidence as ever was given before a jury; if your own nature, if your own teaching of the God you adore, or the religion in which you worship does not point out to you what is your duty as manly and intrepid inhabitants of this country, it is idle for me to attempt to do so. You are the last tribunal of appeal in this country. It is by juries the liberties of our country have been established, so that the administration of our laws and liberties are the envy of less happier lands. But if a jury fail in their duty through terror or panic, they are checked in the honest discharge of their duty, let us all hence and seek no administration of law, let the assassin range unchecked and uncontrolled. But you will purchase no safety by that. We are more safe if with bold intrepid breasts we meet these devilish organizations; and if we face one or two more, we will succeed ere long in destroying the serpent's track that makes our country loathsome and almost uninhabitable. Now, let me consider what evidence you have for a moment, putting aside the family of the Kerrigans—what evidence you have bringing the guilt of this terrific deed home to the prisoner at the bar, as one of three perpetrators of it. God forbid that I and my learned friend—or if we did entertain the notion for an instant it would be tolerated by the eminent judge who presides here—should seek to fasten guilt on these or any other men by means of a model made in this or that way, or by means of inconclusive arguments with respect to documents or other little trifles in a case of that kind. We seek to establish the guilt solely by laying before you firm, solid, reliable evidence, on which you can rest with firm footing as you advance, and see does it lead up to the door of proof, aye, and of demonstration I may say in this case. If it does, and if it satisfies you as reasonable men, and produces that degree of moral certainty that would call on you in your own houses at home—for don't suppose when you enter the jury box you are to use different faculties, different reasoning, different powers, from those you use at home. You are to use the same, and if the facts that we establish would entitle you to say justly and honestly in your own house, these facts satisfy me of the guilt of this man, your duty is to find that verdict, and if your conscience is clear you have nothing more to do. Now, gentlemen of the jury, let us in the first instance take these documents. I shall not ask you to draw—to come to any very strong or firm conclusion—I suppose I may use the term—on what I urge with respect to this; but I say this, that undoubtedly the condition of things manifested so far as these documents furnish any proof at all—the condition of things manifested by them is consistent, more consistent certainly with the guilt of the prisoner than with the guilt of Kerrigan. Now, you have heard in the first instance from the gentleman in the office of my Lord Ardilaun that this poor Huddy, with his little grandson, had got a good number of processes to serve—a good number—and that he was at that work on this morning of the 3rd January. It appears now in evidence—we don't go through others, and there is no use in going through the district. We brought you to the house of Mary Walsh, and she was served she says as for her mother the widow, and that is not at all for Pat Conner (Mark). Her mother was a widow, Bridget Conner, and it was for her, not for Pat Conner [Mark] at all. He served a process at that house. Now, the man appears to have been a very careful methodical little man—careful in his business. He was about seventy years of age, and he went to discharge this duty, probably aware of the peril of it; but, notwithstanding the state of things in the country, men like him fearlessly advanced to do their duty, just as others—the humblest members of the constabulary, the sub-constables, constables, and head-constables—the sub-constables, constables, and

heads of our metropolitan police force, with exemplary bravery. I may say that ought to be an example to us, if we, in better plight and condition of life, looked for an example, did their duty—ought to be an example to us—aye, and to jurors, when they go into the box to do their duty boldly, like men. He served at the house of the widow Conner, serving for her Mary Walsh. He proceeded then, and he served at the house of Pat Mannion. As I may tell you that these, that we found on the poor creature after the body was taken up, appear to have been folded up in a particular way and most of them, I think nearly all, having printed on the margin of them the name of the person for whom he was to take them—just as a man going about with dockets collecting debts, having outside his own endorsement of persons for whom the bills or notices were. He proceeded from the house of Pat Morrin, and he is next seen down on the main road near Flynn's house. We take for granted that he got there? He went by a shorter road making to that breen, and going down to the cross roads he is seen about Flynn's, and he is then going in the direction of two persons named Higgins, not of course the prisoner here. You see at the left hand side as you go along the little breen breaks off, by which this represented here is a continuation. Now he had to serve in that breen Pat Macken; he had to serve—and now mark this suggestion by my learned friend; they make any suggestion that may catch the jury, but they cannot say he left originals instead of copies in one case, and copies instead of originals in another. We cannot reason in that way. We assume, at first, that he brought the originals with him and the copies with him. He was to serve at that house of Pat Macken; he was to serve at the house of Pat Higgins, the prisoner at the bar, no doubt about that, and after that he was to serve at the house of Mat Kerrigan, and half a mile further on Pat and Luke Kyne. Now, gentlemen of the jury, so far as documents proving where he was, it was his duty to produce the original and copy, to give the copy showing the original, and after that—though he might not do it till he got home at night—endorse on the original—that would be the rule—the mode and time of service. “I served such a one,” and so on, would be good evidence in a court in case of his death. In the ordinary way of business he may have done that or not at the time, or when he came home, but his business was to keep the original and leave the copy. Now, gentlemen of the jury, according to all accounts here there was nothing in the world to prevent his seeing Pat Higgins. He was at home that day, he was threshing in his barn up by his house, and unquestionably, now, according to the whole case, Huddy and his little grandson passed that house. I mean by “passed it” when they came as far as it for the work of service and had got further on than that before they were murdered. Now, did he serve Pat Higgins or not. Why should he not? He came out to serve the persons in that district. He came up along the lane. He had got the documents in order to serve him. Why should he not have served Pat Higgins, and if he did why should he not have the original if he was allowed to keep it? Why should not he have the original? Oh, says my learned friend, no proof is given at all that any one touched his pocket. In fact, the murderers would have had a sacred regard for the contents of his pockets. Gentlemen of the jury, no proof is given because, unfortunately, we cannot give it. Who put the bodies into the boat? No proof is given. Who took the bodies out towards such an island? No proof is given. Who put the stones into the sack or who tied stones to the legs of the old man? But whoever was there to do it, had quite ample opportunity and time to search the pockets and to plunder it as they liked of any legal documents, especially of any that would be injurious to themselves, or perhaps to others in the townland. Now, it is strange to say, that though he had served undoubtedly at Walsh's, though he did serve at Pat Morrin's, though he did serve Pat Macken's, it is strange there is no original process found in his pockets of any of those served. There is not an original process found that was served on any of the persons whom he had undoubtedly served—Morrin, Walsh, Macken, nor for Higgins for whom he had a process. Did they make a careful selection, did they select and destroy the original processes that might have had an endorsement of service on them, or certainly the original processes that belonged to him that would have conformed with the copies that were left at houses down on the map before they came to the place where the parties who murdered them knew they had ceased effecting any service. Now, look at how that stands if you are to draw any argument from it. From the way these documents stood the position was—Huddy went out with originals and copies to serve. He served three houses undoubtedly before he came to Pat Higgins'. He ought to have served Pat Higgins. There was no difficulty in doing it. He was at the door, at the place where he should turn in. It is reasonable to suppose he should serve him, but there is not found in his possession the original of a single document which would be a testimony of ser-

vice on these persons. There is not found the original of a single document. The original found for Pat Conner (Mark) has no endorsement of service—it was just as if not taken out. And so with Thomas Hylands, another, and with Matthias Kerrigan's. These are the only three originals that are found, but no original, as I have told you, was found that would lead to show service on any of the houses—the three that he had actually served, and this fourth that at least came in his way for service, and that he had come up to, and, as we say, left before the fatal wounds were fired into him here. Now, so it stands on the documents, and if Kerrigan or any other person came to rifle this man of documents—because of course some must have been taken away from him—if any man came to rifle him, the first thing they would do would be to take the original of the process that would testify against them—their own copy they could at any moment they wished throw into the fire. If Matthias Kerrigan had possession of the body, and had perpetrated the crime to destroy all evidence of service, I suggest he would not have left the original there, which might for all he knew be the means of establishing service against him. Furthermore, if he came there and that he was in the act of serving it, he would have been murdered before he left the street, and before the original had gone back to his pocket out of which he had effected the service, for undoubtedly he is murdered about here [pointing to model]. We will see whether there is a little truth on behalf of the defence showing accurately where the two murders were perpetrated, and let me see whether or not the evidence that came out from the last witness, the second witness examined for the defence, does not prove the truth of the prosecution. Now, gentlemen of the jury, so it stands with respect to the documents. Well, now let me come to some other witnesses not assailed by my learned friends—I mean whose position is not impugned by my learned friends. They, of course, as their own ingenuity and ability pointed out, attacked what they considered the only assailable witnesses, and said to themselves, “Our only chance of turning away grief from this man is the fastening of it on the Kerrigans. “Old and young, husband and wife, son and daughter, for I think by one of the witnesses, at least, if not by themselves, the daughter was brought in, Bridget being away at service at the time, but the evidence of the defendant's daughter was not pointed at the little girl of seven or eight years of age. My —

Mr Adams.—It was said distinctly it was the daughter Mary, and it was afterwards proved that she was the youngest.

Mr. Murphy.—Very well—evidently pointing her out as taking part in it. My learned friends adopted the only course open to them, of fastening guilt upon the whole of the Kerrigans together, as engaged in this transaction. Now, I would most respectfully submit to you that this assassination must have been in some degree planned—preparations must have been made for it. There must have been more than one or two members of some organisation to carry out this desperate deed; and it is idle, I would submit, in the first instance, to suppose that one man there, with only the family that you have heard, and his wife, would perpetrate this double murder under the circumstance it is endeavoured—you are endeavoured to be persuaded, it is alleged, the Kerrigans committed. But, gentlemen of the jury, let us come now to two other witnesses, till we see whether we have the guilt coming home to the prisoner at the bar. The two Hallorans hear shots. They wait for some time. I venture to say that any person just like this girl Conroy, when she heard the shots, had a suspicion as to what they were. Sport, said my learned friend, may have been going on. I am afraid, if one could say the word on such a ghastly subject, that they thought it was big game indeed. The Hallorans heard the shots or shot, I don't stop to inquire which. They came to one corner, and they gave only a terrified glance over the wall, for they looked, and went back as quickly as they could. They knew the deed that was being perpetrated. They saw some persons—three or four—two or three, one says, in the place. They don't state they saw the Kerrigans beside the bodies, or going to and fro from the road, but they saw two or three persons there. This movement of theirs must have occupied some time. They waited some time after the shots were fired, and they came some distance, and took a glance to see what was brought down by the shots. What was the result? They looked for a while, they saw some persons whom they could not identify. Mind that. It is not Kerrigan's husband, they knew them; it is not Kerrigan's wife, or the little child of eight or nine years, or the boy Martin, or the boy Matthias, whom they knew as well as themselves, living over here (pointing to model). See, there is their house on the map. They saw, at least it is what they said when giving their evidence before a magistrate, between his own house and this—they saw Pat Higgins (Long); the others they could not identify at the distance, but they saw there Pat Higgins (Long) on the street. They did not see him blessing himself, he only ran out, took a look up, and blessed himself, and went in and continued threshing the corn, at the same time talking to the little girls, “Maybe

they are going to bury the body, or to do something to fasten guilt upon us," and he was not moved by curiosity to observe from the place where they were carrying the victims of the assassination, that according to their own account they substantially witnessed. They had him on the scene of the assassination, and others there that were at that time unknown to the Hallorans, and the Hallorans not giving you a suggestion that Kerrigan was out there, or the woman, or the little girl, or any of the Kerrigan family out at the scene of the slaughter. Gentlemen of the jury, what next have we? By the evidence four persons are brought here—Tom Higgins, Michael Flynn, another Pat Higgins, and the prisoner at the bar. Michael Flynn, Tom Higgins, and the prisoner were the perpetrators of the deed. Another man comes up afterwards—I will call your attention to him afterwards. Gentlemen of the jury, the evidence for the Crown attaches guilt to these two as well as to the prisoner at the bar. Though we put only one, thinking it the fairest thing to do, put one only on his trial at a time, the evidence for the Crown brings others into it—Tom Higgins and Michael Flynn. It is open to one and all for the prisoner to assail the evidence as to the presence of these two men, and contradict it even though they were not now on their trials. It is open to them to adduce evidence that Thomas Higgins was not there that day through members of his family or any other people, to prove that he was not there. It was open to them to prove that Michael Flynn was not there that day, that he was at a funeral or anywhere else. And if they established to the satisfaction of the jury the absence of either of the other two, it would certainly impair, almost completely destroy, I may say, the evidence for the Crown. You identify such a man, he was not there at all, therefore we won't act upon your evidence at all. Tom Higgins [Sara], another person is brought down there. He is brought on the scene after the murder, and he is placed by the evidence for the Crown here, as almost volunteering in taking the body away from this place at Macken's corner, where the laneway adjoins the road. It would be open to them to prove that Pat Higgins [Sara] was not there at all, or that when he came there he saw Kerrigan, father, or son, or wife, taking an active part in the disposal of the bodies. Now, gentlemen of the jury, we have at least him as the only man that is recognised by the Hallorans as out on this roadway soon after the murder. We have Mrs. Kerrigan and the children not out on the road at that time. Now, gentlemen of the jury, go on a little further. We come to the evidence of the young boy, Mannion, a very intelligent young fellow, who gave his evidence in Irish that he tells you that he was out that morning in the breen, that he saw Michael Flynn there, that he knew him, they were face to face with each other, and that Michael Flynn spoke to him; it was only a few words, but he did speak to him. Therefore, by totally independent evidence we have another of those who are alleged to have taken part in this dire tragedy in the lane that morning, and no attempt made to prove that he was not there, though we have suggested and have committed ourselves to show what work he was there for, the little boy not cross-examined. Whatever was stated to you about a funeral, and it being early in the morning—all obliged to be given up. Now what next occurs? I mean the evidence outside the Kerrigans.

We have the man Mannion, who gave his evidence characteristically, and described to us the way he was taken and so forth, and the way he was seized and enlisted in the service as a sort of participator in this ghastly work. I suppose when young Kerrigan, as we allege, reluctant in carrying the burden, was showing faintness or weakness, Mannion, who appeared on the scene, is enlisted in it, and Tom Higgins, and another man that we pointed out as being a perpetrator, seizes him by the collar, and tells him he must carry the fearful burden that he knew was in that sack. "Oh," says my learned friend, and I rightly draw your attention to it for a while—"Here are two reliable witnesses. Here is young Mannion, who doesn't touch the prisoner; oh no, he only brings Michael Flynn there, and here is the elder Mannion who doesn't touch the prisoner, he only brings Thomas Higgins there and Pat Higgins (Sarah); but observe, gentlemen, how accurately that accords with the evidence, how accurately that accords with what took place. The body of the elder Huddy was placed in the cleave and carried off by the prisoner at the bar, and Michael Flynn, before the body in the sack was removed by the reluctant carriers, or less ready participators, the others were disposing of the older, and perhaps making a search for the documents; the others, who were disposing of the older, were the advance body of a funeral procession, and they were not seen by Mannion when he was compelled to take his share in it. How accurately that accords with the evidence—how accurately the account was given of Tom Higgins here by this man." Oh, said my learned friend, Mr. Teeling, these Kerrigans came forward to give evidence only, when it was believed a communication was being made by three other persons, by Flynn and —

Mr. Teeling.—I beg your pardon. I only mentioned one name, the only person I am defending here, the prisoner at the bar. I did not

certainly say three, the prisoner at the bar was the only person I mentioned.

Mr. *Murphy*.—Well, no matter what my learned friend said I am not entitled to go back on it, but here is my argument totally independent of whether my learned friend did say anything of the kind. If he did say anything of the kind it isn't for a moment to be urged against the prisoner. Gentlemen of the jury, this is what I call your attention to, if Kerrigan was inventing the story, if Kerrigan, his wife and children after perpetrating this deed, were getting up a charge against their next door neighbour, Pat Higgins, who was on the street, whom they knew saw it all, with what object on the face of the earth could they have induced Michael Flynn, whom they had not seen, or whom they did not know where he was, or Tom Higgins, who might be able to prove that they were ten miles off at the time.

Gentlemen of the jury, let me call your attention to this: undoubtedly of these murders vast numbers must have been, if not actually, privy to them in the full sense of the word, aware of the quarter from which the assassins came, they must have known who were the parties concerned, and could afford ample evidence that would be able to track home guilt. Kerrigan was in prison, but the constabulary with that, I may say, accurate instinct that they have in finding out some connexion in the crime, have had at least localised to this place, and they thought, I suppose, that at least Kerrigan knew something about it. He was in prison, charged with the murder, he was placed in prison again as a suspect, but he was released from under that and he was re-arrested on the 11th September and kept in until the 25th September. Still with the charge of being concerned in this assassination hanging over him, during all that time not a word was breathed by himself, or by the members of his family, to implicate any persons. He received some money I shall not stop to inquire where it came from, but so far as we know the only claim that he had to it was that he was suspected of murder. My learned friend has made observations on that point which perhaps if I or anyone else had made they would have been considered terrific denunciations. But, gentlemen of the jury, he is released, he is a free man on the 25th September, and it is perfectly evident that, notwithstanding all the energy the constabulary could bring to bear, or those who were investigating the matter, could bring to bear, they could not attach guilt to the Kerrigans, and they were obliged to let Pat Kerrigan go a free man. Gentlemen, it is not for me to suggest, it isn't for me to inquire what influences were brought to bear on Kerrigan, what influences may have been brought to bear on his wife or his children, but at least, in Heaven's, name let us hope this—that if they were possessed of any sense of religious feeling, with any sense of duty towards the God whom they adore, if in their own faith the Virgin Mother and the God-born child was ever held up before them, if the priest of their religion ever came in contact with them, and had them face to face, let us hope, for the sake of morality, for the sake of religion, for the sake of humanity itself, that the family of the Kerrigans was at length, or some member of them, induced to reveal the terrible secret to which they were privy, and to detail the circumstances of the ghastly assassination that they witnessed. For when they were free, when there was no hope of reward held out to them, when there was no chance of any person accusing them that we have seen, you are asked to believe—strong and awful as this murder was—horrible and appalling in all its details, and showing degraded human nature—that there was yet a depth lower still, that of imagining that the whole family could conspire, and that father and mother could get their almost infant child to enter into a foul conspiracy to attach guilt upon a man who was their next door neighbour, and two others that lived comparatively far away from them, whom they had no quarrel with nor strife with, and between whom and them no ill feeling existed. It is suggested that Pat Higgins was telling anything about themselves, that he was telling anything he knew and that the Kerrigans wanted to be in first?—No such thing. Kerrigan was not charged, no one dared to utter a word against him, and he is free, he is brought into connexion with the open world, he is brought out into the open day, and he is brought, let us suppose, into communication with his own religion; then his wife and two sons come to tell us—and let us now see whether there is a single fact of their story that might be contradictory evidence at all reliable. But before I come to that I referred to another matter. I have referred to the Hallorans. I refer to the Mannions, old and young. The Hallorans put this man on the scene. The evidence of the Mannions is exactly in accordance with the evidence for the Crown. But what about the evidence adduced for the defence. Is not it of terrific weight in establishing the guilt of this deed on Patrick Higgins, the prisoner at the bar, and his confederates? He brings forward witnesses, witnesses that he knew were to tell truth or falsehood. He knew whether they witnessed the transaction or not,

he knew whether his daughter could tell truth in giving evidence endeavouring to free him from guilt, he knew whether the girl Conroy could give evidence freeing him from guilt. In the first instance my learned friend, Mr. Adams, said that if she told ten thousand lies, that she might also tell the truth, and you are to believe her. In the first instance, gentlemen of the jury, what does that girl, Kerrigan do? After her father is taken up, when he is in under this charge, and when she must know that he is in on the accusation of the Kerrigans, and the evidence of the Kerrigans, she is brought face to face with the magistrate, and asked can you tell us anything of this affair tending to show whether your father was there or not at that time? She had the strongest inducement, just the same as she has now to inculcate the Kerrigans and to get her father free. She is brought before the resident magistrate. As my learned friend stated, she is no stupefied girl, there is no confusion, but she is quick and agile in intellect, seizing on every point, and seeking to put everything that Kerrigan had told against her father, now as against the Kerrigan's themselves. Put upon that table, she denied every word of that which she stated before the magistrate, namely that she was absent on the morning this murder was committed, that she was absent, perhaps, but we will come to that immediately. She actually had the terrible audacity to swear that she was not brought into the presence of the magistrate at all—that she was not sworn at all. Mind, this was last month, I might say, the 11th October. She says that she was not brought into the presence of the magistrate at all, that she was not sworn at all, that she never told any such thing as that down there in writing, proved by the document itself, and by the evidence of three witnesses. Gentlemen of the jury, what do you think of the man who brought her forward here to tell that story she tells us here to-day—false as it must be—from the story which she told in that information to the magistrate, and in the presence of others at the time, that she had a strong motive. What do you think of the man who would think it necessary to resort to that terrible remedy—to have his daughter brought forward as evidence for him to free him from the guilt of the deed he had perpetrated, knowing that the testimony that she was to give was to be false. But does he stop there? Another witness is produced—Conroy. She does not live in the house. She tells you this most extraordinary story—that she heard the shots with the other, that they began talking about what it was, but went on with their work, and did not go out. Now, gentlemen, do you think that possible? Do you think that two girls down a lonely place of this kind, hearing shots, and suspecting what it was; for if they denied it one hundred times over, I believe it was as public as that (the boreen) was there, that Joe Huddy was to be there that day, and was there, and that it is as sure as that Joe Huddy is now in his grave, that he was seen passing that house, and the presumption is that he did his business in that house) that when the shots were heard (if they were heard they knew well what they were) they could restrain themselves from rushing at once to see, unless they were told beforehand not to mind, and that they were not to stir. Why, gentlemen, nothing could restrain them from rushing to see what it was unless they knew well what it was about; but you were told they went on with their work, then they came in, and they told the man in the barn, who heard the shots just as well as they had, but never stirred out, according to their account, to see what was the cause. Now, do you believe that possible? They say that they were talking about so and so, and that he told them to go up and see. And, gentlemen of the jury, we have this, which is probably very true, we have this piece of evidence, which is probably very true, from the girl Conroy, who, though she denied knowing anything about it, may have witnessed some of this transaction that day—that she went up and took her standpoint there (pointing to the model) in order to see what was the result of the firing. And, gentlemen of the jury, it is a remarkable coincidence—though the story of the girl Higgins—though her story may be at variance with the story of the prisoner's daughter when she swore that she was not there at all that day, it may be perfectly true that the girl, Conroy, may have come down there, and may have been on the hill. The story about the geese not coming on the road—that is all scattered to the wind at once, for the witness who swore to it swore that she was not there at all before. She swore it solemnly and entered into a good many details concerning it, as to the way she went and so forth. She has had the audacity to say that she never was sworn at all. I do not think her evidence can for a moment be considered by the jury in any other light except the one suggested—that the man who brings her forth must know that she is telling a falsehood. Her evidence is proved to be utterly false by other witnesses. It is probable that the girl, Conroy, did take the rising ground to have a view, and she places one dead body here and the other dead body there (pointing to the models). Now, if the Kerrigans were not there at all, on the evidence of these two witnesses, who were brought forward to give this story, but from

whom he extracted this much truth with respect to Pat Higgins (Sarah), who was there, and how the evidence of other witnesses have you not this man at the bar as one of the perpetrators of that assassination? Now let me come to the evidence of the Kerrigans. The father swears to you that the man was coming up the road, and that he was pursued—the grandfather—the aged man is knocked down. My learned friend, Mr. Adams, was labouring this point a great deal as to the weight of the stone, its size, the strength with which it must have been hurled, and so forth, to knock a man down. Gentlemen, a man may be knocked down by a blow received between the shoulders with his coat on him, and no mark be left—a man may be struck with a stone on the head, his hat being on him, the blow knocking him down, and yet no mark be left upon the head. There might be some swelling, but that may subside, and there might be no swelling. If the body were immediately plunged into water, there might be a mark between the shoulders of a person struck, if the body were allowed to lie on the ground for a long time, but the body of poor old Huddy was not allowed to lie long on the ground. It was quickly deposited in its burying place in Lough Mask. So, gentlemen, there is nothing in all that, but I may tell you that there was a mark between the shoulders. Well, the old man is knocked down, and when he fell he was shot. But the two other agents—the boy runs on, and he is pursued by Flynn, knocked down, and fired at, and now, gentlemen of the jury, let us see how these witnesses detail to you what exactly they saw. In the first place the father and the little boy tell it to you as I said before, I ask you why would they, if they wanted to fasten the guilt on one man, introduce into their evidence the names of the other two men—Michael Flynn and Tom Higgins. For these an *alibi* might be established, if it were true, by 100 witnesses for all the Kerrigans knew. How did they know, in October afterwards, if their story was not true? How did they know that Michael Flynn was the man who was engaged there; how Thomas Higgins was engaged there, and how Patrick Higgins was engaged; and how should they expose themselves to the risk of committing themselves to this statement against this man against whom they had conceived this diabolical story? They gave you an account of the despatch of the old man, and the elder son was coming back from the bog with turf, and he comes down and he only gives you an account of what he himself saw. He only saw the boy despatched; as far as he goes he did not add much to the evidence against the prisoner, but then we have the evidence of the father and mother as to the circumstances that occurred before he came upon the scene. Huddy is knocked down—knocked down by this man, who gave him a kick—and the two who fired at him were Flynn and Thomas Higgins. Were they emissaries or agents from some organization that came supplied with weapons for the perpetration of this deed? The witness did not put the pistol, so far as I recollect, into this man's hand. Not at all; he put it in the hands of Flynn and Thomas Higgins. And, gentlemen of the jury, the witnesses tell you this further thing, that this man ran into their house or their loft—I don't know where the sack was hidden—and they got the sack out. Gentlemen of the jury, you have heard the terrible use to which that sack was put; and because these witnesses tell the truth they are not to be taken as participators in that awful deed. The sack was brought out, and it is very significant indeed, as showing that this old man did by order, this terrible assassination. He never would have ventured to do it by himself. That there must have been more selected for this deed was evident—some of the best of the cut throats—some of the best agents must have been selected for this double murder in the broad noon daylight, to be able by threats and terror to compel these people to carry the bodies away. Then Kerrigan and his wife says they saw the two bodies carried away—they did not mind where the cleaves were, but Kerrigan says he thinks there were two cleaves—he didn't mind anything about the cleaves, but the bodies were carried away. How were the bodies disposed of? Was it for one moment to be suggested that there was any other motive than terror to be discovered in the conduct of those who are compelled to join in the removal of the bodies. No one suggested it, and do you think the Kerrigans would have allowed their son to carry the body by himself, and wait for somebody else to take the other, soon to be joined by Mannion, if they had dared to interfere on his behalf. Is it suggested that Tom Higgins was co-agent with the others? No such thing, they swore to you, and it is established by evidence that the prisoner at the bar and Michael Flynn had the body of the elder man put in a cleave. They went on in front. Thomas Higgins seized on young Kerrigan coming down from the mountain. He was one of those armed with a pistol, and he told him what he should do, and he compelled the unfortunate creature to carry the dead body of this unfortunate little boy to the place he did. But, gentlemen of the jury, as I said before, there was

some suggestion to you with respect to Michael Flynn, about the hour and so forth, and about a funeral; but, gentlemen of the jury, Michael Flynn and the prisoner at the bar went on in front. Where Flynn went we don't know. How far he went none of our witnesses can prove, but that he went on in front of Kerrigan; husband and wife and child, male and female, little children, remained behind, and the son was seen compelled to take the body. Now just pause there for a moment. On what possible theory, on what possible suggestion, is this disposal of the bodies consistent with any guilt on the part of the Kerrigans. Does Kerrigan's own conduct point to him as a guilty party in the assassination. "They were talking about the body? Oh, they were." And were they not talking about burying it? I believe there is a good deal of talk of that kind coming from Pat Kerrigan where it should be buried or disposed of. She says they were talking about it, and arranging about the disposal of it, and the curiosity of that girl never allowed her to depart from the place until she saw what was done with the body. She remained there until she saw the procession, such as it was, going down there. The girl was not there at all; then this story about the sack is all contradicted by her. She merely says she saw this funeral procession going down to the head of the lough; there must have been several persons in it, but no one ventures to say that one of the Kerrigans went with it. Young Kerrigan was made to carry it, and how is it established that he was a party, or his father, interested in the disposal of the body; for we may come down to the point where that old man—an unimpeached witness, came up and meets it. The body was shifted on to him, and he fell under it. Tom Higgins caught him, and he tells us how he treated him. Kerrigan got away from the scene as rapidly as he could. That man, Mannion, established by evidence—it is proved beyond all question—that the Kerrigans were not parties interested in the disposal of the body—that young Kerrigan was pressed into the service by terror, that he abandoned it as soon as he could, gave up the ghastly employment, as the old man, Mannion, did, as soon as he got the burden off his back. Both of them got away as quickly as they could—they must have felt that the carrying of the dead body of this young man was a ghastly task. Now, gentlemen of the jury, that is the case you have to deal with—that is the evidence of eye-witnesses—the evidence of eye-witnesses brought before you, sworn to give true evidence in the case. As I said before, if your own conscience, your oaths, your commune with that Divine essence of the Deity that is in the bosom of every honest man, and prompts him to do right, and abide by the truth, and hold fast by that to which belongs his own salvation—if motives and inducements such as these do not compel you to give the verdict that this evidence has so clearly demonstrated, then no words of mine can do it. I leave the result with yourselves. I, for my part, have, to the best of my ability, discharged my duty.

The Court at this stage adjourned until eleven o'clock next morning

THE DUBLIN DECEMBER COMMISSION.

9TH DECEMBER, 1882.

County of Galway.

THE LOUGH MASK MURDERS.

THE QUEEN *v.* PATRICK HIGGINS (LONG).

The Hon. Mr. Justice O'BRIEN sat in the Court House, Green-street, at eleven o'clock, and resumed the trial of Patrick Higgins (Long), for the wilful murder of Joseph Huddy, at Cloghbrack, Co. Galway, on the 3rd of January 1882.

The Hon. the *Solicitor-General* (A. M. Porter, Esq., Q.C., M.P.), James Murphy, Esq., Q.C., and Peter O'Brien, Esq., Q.C. (instructed by George Bolton, Esq., Crown Solicitor), attended to conduct the prosecution ; and

Charles H. Teeling, Esq., and Richard Adams, Esq. (instructed by Patrick J. B. Daly, Esq., of Ballinrobe), appeared for the accused.

The Jury having answered their names :—Henry A. Phillipson (foreman), John Lowe, William Glenn, Michael Roe, Thomas W. Russell, John Martin, John Miller, William Owen, James P. O'Reilly, George O'Neill, William R. F. Godley, and James King.

Mr. Justice O'BRIEN proceeded to sum up the evidence for the jury. He said—Now, gentlemen of the jury, that the man at the bar is charged with the crime of murder, and that the penalty of murder is death, is a consideration that never fails to impress any tribunal with a sense of the deepest responsibility and a sense of the greatest necessity for care and circumspection in discharging the duty that devolves upon you. That the prisoner, moreover, is a person of humble condition, not comprehending the language by means of which for the most part these solemn proceedings are conducted—an almost dumb and silent spectator of the scene in which his life or death is involved—forms an additional and strong ground for the exercise of great vigilance and circumspection in arriving at a conclusion so deeply momentous. On the other hand you must bear in mind that wherever the guilt and punishment of this crime would fall, it would necessarily fall on persons of his own class, and that the law must be vindicated, and the crime of murder punished as a very necessary essential means of maintaining civil society, no matter what may be the rank or position in life of the person by whom that crime is committed, and you have also to bear in mind that the victims of this dreadful crime were humble men of station and pursuit, and condition of life scarcely different from that of the accused. Now, in approaching the question of his guilt, I must state to you that I cannot accede to the proposition that was laid down as to the measure of proof that you ought to require as the foundation of your verdict. It is not the ordinary mode in which the rule is laid down—that a jury must be as satisfied of the guilt of the accused as of their own existence, or that the sun shines at noonday. These are propositions that express mathematical certainty as distinguished even from moral certainty. The ordinary rule to which I adhere, and to which you are bound to adhere, is this—you must be satisfied of the guilt of the accused. If you have a reasonable doubt of his guilt, a reasonable doubt, you ought to give him the benefit of it, and that reasonable doubt I define, as it has been often defined, to be a doubt naturally and fairly arising upon the evidence, such a doubt as men will act upon in the important concerns of life, and not that general doubt that arises from the weakness and fallibility of human understanding or the natural uncertainty of all human affairs. Now, bearing in mind that as the great canon and rule you are to go by let us see how the evidence stands in this important case. A great deal of discussion arose both in the arguments of the counsel for the accused and the counsel for the Crown upon what would be undoubtedly very important and genuine evidence if it could lead you to any definite conclusion—the written documents that were found upon the person of the elder of the two Huddys when the bodies were recovered from Lough Mask—those different civil bill ejectments which remained, and a great struggle has been made to make use of them in favour of the accused against the principal witness who bears testimony against him, Matthias Kerrigan ; and also on the other hand to make use of them on behalf of the Crown. Now any observations that I make upon this or upon any

other part of the case, you are to receive only so far as it accords with your own judgment. The responsibility of this great issue is with you and not with me, though I have another kind of responsibility devolving upon me, and I wish to press no view of the case upon you—not in any degree. Far be it from me to force your judgment in the least possible degree, but merely to give you the aid of such observations as occur to my mind, and desiring you only to receive them or act upon them in so far as they concur with your own judgment. But upon the best consideration I have been able to give to these documents it does not occur to me that they furnish materials for any very definite or distinct conclusion, and now I will tell you why. On the day, on the occasion immediately before this 3rd January the deceased man, Joseph Huddy, had received from the agent of the estate several civil bill ejectments, amongst others original ejectments against a person named Morrin, Michael Morrin, against the prisoner, Patrick Higgins, against the witness, Matthias Kerrigan, against several different persons of the name of Kyne, the houses of some of whom would appear to be situated on a part of the road before he approached Higgins' house, and some at a point more distant than Kerrigan's. When the bodies are found three civil bill ejectments alone are found. Now, Huddy being a bailiff, knew perfectly well the nature of his duties; and it was absolutely necessary for him for the ordinary performance of his duties that he should always have with him the copies of the civil bills for service, and the originals also for production. It would be entirely contrary to the ordinary course of experience, and the ordinary course of practice if, as was suggested by the counsel for the accused, he was found in some instances to have left behind him the originals, and merely taken the copies. Now, in the case of two persons named Kyne, whose residence he did not at all reach—Luke and Patrick Kyne, whose residence he did not at all reach, the copies alone are found. The originals are wanting, and no motive can be assigned for the abstraction of those originals at all. In the case of Mary Walsh who was served with a document by him, and whom I take to be the same person in reality as Patrick Connor (Mark), because Mary Walsh's mother was named Connor, Bridget Connor; she was apparently the widow of a person named Patrick Connor, and the ejectment would be drawn and prepared in the name of the original deceased Patrick Connor; she was served with this ejectment as appears by the evidence, and no motive or reason appears for the abstraction of the copy in her case. The original is found. On the other hand the wife of Michael Morrin was served with an ejectment, and no reason appears why the original or copy should not be found, and neither is found. It may be a far-fetched thing to suggest any motive in the mind of the accused Patrick Higgins for the abstraction of the copy or original of any civil bill served on Mary Morin. But, now let us come to two particular instances where documents were not found which certainly are not unimportant. The usual civil bill ejectment in the case of Matthias Kerrigan is found on the person of Huddy, and a strong argument is founded on that by the counsel for the accused—that the service of the civil bill—because the copy is not found—the service had taken place, and that the service of that civil bill and the danger of resulting eviction from his land formed a motive in the mind of Matthias Kerrigan for the commission of this crime himself, and further that the presumption arising that he was served with that civil bill contradicts his own evidence here when he says he was not served with it, and tends to cast upon him the imputation of murder. On the other hand it is suggested—many explanations have been given of the absence of that copy of the ejectment which was intended for Matthias Kerrigan, one was that in the hasty abstraction of these documents from the pocket of Huddy after the murder, in the confusion and haste of guilt, and of the time and circumstances that document may have been taken away inadvertently amongst others as Moran's might have been taken away original and copy without any reason at all. Another explanation is that he had not at the time his life was assailed reached the place or person for the service of that civil bill at all. Bear in mind now that the evidence of Mary Conroy, the witness who was examined for the accused in concurrence with all evidence for the prosecution, places the body of the elder Huddy upon that small road at the end of Kerrigan's house apparently before he had entered it at all. He might, in preparation for the immediate service that was about to take place, have had that copy in his hand, and it might have been lost in that way; at all events, if the fact be that he was killed before he had reached the house of Matthias Kerrigan, the time had not come for the service at all. Now, see, on the other hand, how the absence of both the original and the copy of the ejectment bears in the case of the accused. The 3rd January was, according to the statement that was made here, the last day for the service of these civil bill ejectments so as to ground proceedings and trial upon them. The course of the elder Huddy that day—that very line of route he took was traced by the ejectments in

his possession and was in accordance with those ejectments. He had gone round to the house of Moran, then to the main road to Macken's, and then he came along the boreen where there were several persons he was to serve with these documents. He had a civil bill ejectment to be served on Patrick Higgins. The ordinary course of his duty would require him to serve it. That was the very object he was there with, and the daughter of Patrick Higgins being examined here as a witness on his behalf, swears that no service of that civil bill had taken place in his house that day. When you consider the weight you ought to give to the ordinary course of duty, especially in the case of an officer of the law, or quasi officer of the law, a person engaged in the service of civil processes, who knew the importance of what he was doing and what he had undertaken to do, who knew he was there to effect service on Patrick Higgins amongst others, it amounts to absolute certainty, according to all reasonable conclusion that that civil bill ejectment was that day served at the house of Patrick Higgins, and that certainty would, in my opinion, outweigh any evidence, not to speak of the evidence of his own daughter, which for reasons that are fresh in your memory I can hardly doubt you will be of opinion must be altogether laid out of this case. So that it appears to me if any reasonable, definite, probable, or certain conclusion arises from these documents it is these two conclusions—that on that day Joseph Huddy had not reached the place where he was to effect service of the civil bill upon Matthias Kerrigan, and that he had actually served that civil bill upon Higgins at his house, which he had passed, and the evidence given on behalf of the accused is entirely without foundation. Now, passing away from that for the present, let us see what is the general aspect of the case presented both by the Crown and by the accused. I don't see myself how the question of law as to an accomplice has any application to this case at all. An accomplice is a person who takes part with others in the commission of a crime, and whether he be an accomplice upon his own express avowal or confession, or whether you come to the conclusion that the person is an accomplice and engaged jointly with others in the commission of a crime—in that case there is, no doubt, a certain rule of evidence that is always applied in courts of justice. It is not strictly a rule of law, but upon the presumption that Matthias Kerrigan was an accomplice, coming here to charge other persons with an offence in which he was himself engaged, it will be my duty to advise you that you ought not to act upon his evidence alone without confirmation of some other kind, not confirmation as to the circumstances of the crime, but confirmation in a point that affects the participation of the accused in the offence; and supposing now, this case were to be presented as that of one accomplice charging his partners in guilt, it would be my duty to tell you, that there is a legal requisite of confirmation in the evidence given before you, because not in the mere circumstances of the crime, but in a point that brings it home to the accused himself, you have the evidence of Matthias Kerrigan, the son, and Martin Kerrigan, the younger son, both of whom directly affects the accused with evidence of guilt. The testimony of the wife alone, on account of the theoretical identity that exists between her and her husband, has been, by a rule not altogether reasonable, but one of our highly technical rules of law, the testimony of the wife has not been received as confirmation of a husband accomplice; but once you have the legal requisite of confirmation from other evidence, as it is from Matthias Kerrigan, the son, and Martin Kerrigan, the son, you will be at full liberty to consider the evidence of the wife, and not exclude it from your consideration. But, in reality, that has no general application to the case at all. The case of the accused is that this murder was committed by Matthias Kerrigan himself. The Crown do not present Matthias Kerrigan as an accomplice seeking to fix upon others engaged in the crime with him participation in his guilt. They rely upon him and present him as a person entirely innocent of this crime, who comes forward in the ordinary way, whatever suspicious circumstances may attach to him, to establish the case for the prosecution. On the other hand the defendant's counsel accept that view of the matter, and say that Matthias Kerrigan is himself the perpetrator of the crime for which the prisoner at the bar stands charged. Now, the question is by whom the lives of these two men—Joseph Huddy, an elderly man, and his grandson, this young person of tender years, engaged in their ordinary and innocent occupation, seeking a livelihood, foully and cruelly surprised in the course of their occupation—the question is by whom those lives were taken away. Were they taken away by Matthias Kerrigan with the co-operation, if you can suppose it, of his wife, and his two young children, or were they taken away according to the evidence of Matthias Kerrigan, his wife and their sons, by the prisoner at the bar acting in conjunction with others—two persons named Michael Flynn and Thomas Higgins (Tom). Now, upon the great issue of that important question the consideration arises to my mind that I cannot exclude from it, and that seems to me of the most para-

mount and supreme importance in determining this whole question—the very nature of the crime itself. The importance of it arises from this, that the facts upon which the matter, the arguments rest are absolutely certain—the wounds inflicted upon the two deceased Huddys themselves, and I can hardly say that the conclusions arising from these facts are hardly less certain than the facts themselves. It is plain that this was not a sudden encounter, arising out of sudden provocation, or out of a sudden conflict with the officer of the law, by a person by whom he was about to effect any legal proceeding. The crime was committed at an early hour of the morning when the means of preparation had already taken place. It was a crime plainly committed with the aid of external agency, such agency as the evidence of Kerrigan and of his family establish. The life of Huddy the elder and that of Huddy the younger, was taken away by revolver bullets. Not less than seven different shots are proved to have been discharged into the bodies of those two men. The part that the evidence for the prosecution attributes to the accused was that he commenced the attack with a stone. That was a natural and accessible weapon to him. According to the statement of the youngest of the Kerrigans, he took the stone from the wall and he knocked him down with that. But the part that is attributed by the evidence to Thomas Higgins and Michael Flynn, who were strangers, is that they were the persons who used the revolvers. His case has been treated all through as if the specific object of this crime was limited to the prevention of the service of the legal process that was about taking place. That might have been one of the objects, it was one of the immediate results that would happen from the crime. But unfortunately the state of things that existed at that time in the country, and the evidence given before you, if you were to leave that state of things entirely out of consideration, would point to this crime as not merely something done for the individual benefit of the persons engaged in it at the time but as part of a general organization for the purpose of making war upon the officers of the law. If Thomas Higgins and Michael Flynn were there and came there armed with revolvers at an early hour in the morning they did not come there merely for the purpose of preventing service of civil bills taking place on the different persons about. No doubt they prevented the civil bills being served but they came at the same time with a more general object. Now is it possible, is it conceivable or credible, according to all ordinary experience and observation, that Mathias Kerrigan, his wife, and son fifteen years of age, and the son eight years of age—and the daughter of the prisoner swears there were no other persons there—fired several shots from revolvers into the bodies of these two unhappy creatures at a considerable distance from each other. The nature of the weapon, the nature of the wounds is highly inconsistent with the ordinary forms of domestic or local violence of which evidence is usually given in courts of justice. So it appears to me absolutely certain that the very nature of that crime itself, as I have said, demonstrates that it was committed with the aid of external agency, and committed by several persons, all prepared for, and competent to assist in the commission of crime. Now, let us pass from that to another view of the case. Who disposed of the bodies? What mode of disposition of the bodies of these victims is given by the evidence, or suggested, or could be conjectured, except you receive the account given by the Kerrigans themselves? That account is that the body of the elder Huddy was put into a clieve or basket, was hoisted by Michael Flynn upon the shoulders of Patrick Higgins, and was taken away by him; that the body of the younger Huddy was put into a sack, that the son of Kerrigan was forced to assist by threats, forced to assist in carrying that sack, that Patrick Higgins went away carrying the body of the elder Huddy in the basket, and that Michael Flynn and Thomas Higgins (Tom) and the younger Kerrigan carried away the body of the grandson. That the body of the younger Huddy was carried away in that manner, is established by evidence other than the evidence of the Kerrigans themselves, and it is an all important matter for your consideration that you are asked to fix upon this family the guilt of the crime because they have come forward to give testimony in support of the law, and mark this, that at every point where their story comes into contact with the evidence of other independent witnesses it is exactly confirmed. The daughter of the prisoner alone says that when the body of the younger Huddy was put into a sack, and was carried by Mathias Kerrigan the younger, Mathias Kerrigan, the father, accompanied him. She alone says that, that evidence is most completely contradicted by the evidence of the witness Mannion. Now leave out the contradiction of Mathias Kerrigan and his wife, and his two sons although, it is completely contradicted by the evidence of Mannion; and can you conceive it possible that Mathias Kerrigan and his family being perpetrators of this crime some other persons took upon them the danger and the labour and the responsibility and suspicion of disposing of those bodies. Supposing Mathias Kerrigan had himself been the person who killed this elder Huddy, or killed his

son, he was the person above all to whom it was important to conceal the evidence of his guilt, nevertheless you have the undisputed fact—undisputed except by the daughter of the prisoner, uncontradicted except by her evidence, and absolutely certain upon all the reliable evidence that although the suggestion for the accused is that Matthias Kerrigan killed the elder Huddy, and the younger Huddy he remained behind at his own house, and awaited the return of his son in a very short time, who had only carried this body under threats a short distance, and left some other persons beside himself, not acting with him or co-operating with him in any manner—not interested with him—to carry away that body of the younger Huddy and deposit it in Lough Mask. But is any account given at all of what became of the elder Huddy? None whatever, none except the account given by Matthias Kerrigan and his family; there is absolutely no account suggested or given by any person, no surmise, no conjecture, no hypothesis suggested to you as to the mode, or the person, or the time, or by whom the body of the elder Huddy was removed. Now, keep these two leading views of the case in your consideration—the nature of the crime itself, and the mode of the disposal of the bodies. Well, I invite your attention to the evidence, which is very short—the evidence of the principal witness which is very short, and which I must read over to you in some detail. Now, leaving the former evidence entirely out of the question, or the evidence that is not subject to dispute, I shall begin with the evidence of Matthias Kerrigan. He says he lives at Cloghbrack, and was a tenant of Lord Ardilaun for 26 years. His wife's name was Bridget, and his sons' Matthias and Martin—the eldest is fifteen and the next eleven years last harvest. He knew the late Joseph Huddy and recollects the last day he saw him alive. He had a little boy with him. His son Matthias had gone for a load of turf when he got up in the morning. When he first saw Joseph Huddy he was in his own barn cleaning oats. It was in the morning, early enough; he had not his breakfast boiled. They come across from Higgins'. He could see that part from where he was in the barn. He saw persons follow Joe Huddy and the boy. He had known them, they were Pat Higgins, the prisoner, Tom Higgins, and Michael Flynn. He saw the prisoner come up to Joe Huddy, close to him, and hit him with a stone and knock him down, and when he was down he saw him give him two kicks. Thomas Higgins and Michael Flynn came up to him at the same instant and put shots into him. The little boy ran, and at the corner, next the end of the yard or street of the barn, the young Huddy was knocked down. The street, you will understand, is the mode of describing the entrance or passage down from the boreen to the curtilage of the house. At the end of the street or barn John Huddy was knocked down. Michael Flynn followed the boy, caught him by the collar, knocked him down, and Tom Higgins fired two shots into him. That is the exact number of shots found upon the body of the deceased. The body of Joe Huddy was put down in a basket—that is the elder Huddy, and the boy's body was put into a bag. The prisoner ran and took the bag off the corner of the witness's loft, and put the body of the boy into it. When the body was put into the basket the prisoner went away with the basket or clieve, and the body of the elder Huddy. Bridget, the wife, came out to throw water into the street. Martin came into the front with a basket or clieve, and the son Matthias came back exactly when the little boy was being killed. Well, the little boy was placed in the sack, the son Matthias came up, and Thomas Higgins caught a hold of him, and called upon him to "take that away." Matthias, the son, was creeping into the yard, and was standing in there when Thomas Higgins said, "Stand out here or I will make you sorry." The bodies were taken down the boreen, the fall—I suppose that means the declivity in the direction of the prisoner's house; after leaving the back of the house he could not see any further. When the two bodies were taken away he saw Pat Higgins (Sara) who came from a more distant point go down the boreen. He came from the bog with a basket of turf. Matthias was three-quarters of an hour until he came back. He saw no others go in the direction except Patrick Higgins (Sara). He is cross-examined, and he says he does not know the value of his land, but he has £4 worth of it. He has no other means of living. He got the clothes he is wearing in Galway gaol. When questioned from whom he got them he did not understand anything about them except that he got them. He was arrested the same night the Huddys were murdered; he was three days and nights in Clonbur barracks, and was sent on Saturday night to Galway gaol, where he spent nine months. He does not know what he was charged with, but he knew well it was about this business, as it was at his house the job was done. And to the question, was it not because the body was carried away in his sack, he says, "that's the man who took it." To the question, was it not because of the sack, he answered, "the prisoner was the man who took the sack." He is not certain whether he owes two and a half or three years' rent, and he says he knew he was to get the ejectment if the man was allowed to keep it. He was to be served

with it; his wife told him that the master, Mr. Burke, had informed her that he was to get this process. He certainly did not get the process. He is asked when he first gave information, and he says ten weeks ago last Tuesday. Now the ten weeks last Tuesday, as far as I can make out, would be the period, not when he made the deposition, but when he gave the information that resulted in the deposition—to a period very close to the time when he was still in custody—

Mr. *Teeling*.—I made it out till the 24th September, my lord.

Mr. Justice O'BRIEN.—Till September—that's my own impression—very close to it, and my idea would be this, that although he was undoubtedly free at the time he made this deposition he had given some assurance or information which led to his being released in order to make this deposition, that is the ordinary natural conclusion to arrive at, and it occurred to me in the same view that, even admitting that, it did not necessarily impugn the accuracy of his information at all. He got the clothes, he said, a considerable time before he left the jail, about five or six weeks after he entered the jail—many months before he left. He was down in Galway for the last three weeks, he does not know where, but in Mr. Hannin's house, it being announced that he was going to give information, he was detained under the observation and protection of the police. On the 14th October his deposition was made, as appears on the production of the deposition itself. The cleave in which the body was taken away he did not know who it belonged to; he had several, but it was not one of his. Asked had he anything to do with the killing of the Huddys, he answered that he had as little as any man in this court, and there are many here. That is as true as the document that lay at his feet was before him. There was no breakfast at the time, breakfast was on the fire. He had nothing whatsoever to do or say to the murder. His wife had nothing to say to it; his wife was not arrested; his eldest son, Matthias, was arrested, and kept three weeks in jail. Martin was not taken—his youngest child. He knew Michael Flynn twenty years, and he knew Thomas Higgins (Tom), the other person mentioned, since he was born, and he has no doubt, Michael Flynn and Thomas Higgins (Tom), were there that morning. Then he is re-examined, and he states in answer to the re-examination, that in addition to the clothes that he had received in Galway jail, he had also received considerable sums of money while in Galway jail, and I was really left under the impression, as the counsel for the accused intended to convey, that these clothes and money were given to him by the authorities, or some person connected with the authorities, or by the police, and were given to him as an inducement to give evidence, or, at all events, that this liberality shown to him had an influence upon his evidence. A very extraordinary and remarkable state of things turns out, upon the evidence of the governor of the jail, Mr. Mason, who immediately after this information came out was communicated with, and appears and gives evidence here. Then it appears that this Matthias Kerrigan, during the time he was in custody in Galway jail, received from a body known as the Ladies' Land League of Dublin, either under the idea that he was in possession of dangerous information, or that he was accused of an agrarian crime, or that he was guilty of an agrarian crime—he received these considerable sums of money from week to week, that these were the sums he had sent to his wife, and that the clothes spoken of had been purchased by himself or by friends, or by direction of the same body who furnished the money with which they were bought, and accordingly the foundation of that whole suggestion of a corrupt motive existing in his mind, proceeding from the authorities, entirely falls away. Now the next witness was his wife, Bridget Kerrigan. She was an Irish-speaking witness. You observed her demeanour—apparently a person of very great intelligence. I must say myself that I was greatly impressed with her testimony—the apparent directness of it, the frankness and openness of it. She seemed to have no desire to conceal anything. She answered out at once directly every question that was asked, either in direct or cross-examination, that apparently went to affect her own husband and the charge against him. She is the wife, she says, of Matthias Kerrigan, and knows the prisoner. On a morning in January last she saw the prisoner, Patrick Higgins, do something to Joe Huddy. She saw him strike him with a stone at the back of her house. It was on the boreen at the back of the house he fell, and when he was down he hit him two kicks. Next she saw shots put into him by Michael Flynn and Thomas Higgins. The body of Joseph Huddy contained not less than five bullets, and this woman states that she saw two persons—there were five bullets found in the body of the elder Huddy—and she saw Thomas Higgins and Michael Flynn fire into him, which would necessarily imply the possession of firearms by both. And now you remember the remarkable evidence given by the doctor as to the position of those various wounds. One bullet wound was in the shoulder, and four others were in extraordinary situations. It seemed to me, although the doctor could not say so, that it was impossible those

four bullet wounds could have been inflicted by the same arm. One was directly in front, another directly at the back, another was directly at the back side of the head. It is inconceivable that unless assailed by two persons, both armed, those wounds could have been inflicted. Now I will proceed with her evidence. There was a young boy with Joe Huddy. He ran to the back of the barn, about five yards. Michael Flynn followed him, caught him, and knocked him down on his nose on the road. Thomas Higgins came and put a shot into him. She saw old Joe Huddy and the grandson dead upon the road—saw the old man put into a basket and the boy into a bag, and saw Flynn hoist the basket on Pat Higgins' back—that is the prisoner's back. The boy was put into a sack, the bag was hoisted on the back of her son Matthias. Tom Higgins caught him by the collar and put the bag on his back, and they went on the road. She was shaking—a very natural and curious—not curious but natural expression, and showed the impression produced upon her mind by the terrible scene she had witnessed. Martin was at the house, Matthias was at the bog for turf, and he came back when old Joe Huddy was murdered, and when the boy was being murdered. See the distinction she draws. Matthias was at the bog, and was coming back—all the witnesses were examined apart and did not hear each other's evidence—her son Matthias came back after the old man was murdered, and when the son was being murdered. It was about the time breakfast was cooking. After her son was in jail she got money from her husband, when it would be sent to him. Then she is cross-examined, and she says she saw every bit of it. She threw water out at the door; that was the very point she came out at. The men were not killed then. There was no shot fired then. The shots were fired when she was out. She left the water-pail inside when the old was knocked. She said then, in answer to a question—"Why would she not know her husband was in jail; she knew it was about the men who were killed at the back of the house." Asked, did she know her husband was charged with murder and her son Matthias, she gave the same answer. Asked how long her husband was in jail, she said three-quarters of a year, that is nine months. Mr. Burke told her there was to be a writ against her husband, that he would send out a process. She knew it was Huddy would serve the process, asked was she threatened with a process, she said, sure the master told her about the process, and asked did she not know the sessions would be held in Oughterard within a certain period of time, and she answers would she not be making up the rent in the meantime. She says all the people arrested were let out except her husband, some in three weeks after, but all before her husband said a word. She knows her husband is not in custody, as he was free since he gave information, and so the sergeant of the police told her. In re examination she says while her husband was in jail charged with murder he was receiving money. Then Matthias Kerrigan the elder of the two youths was examined. He does not remember the day of the month or the week the Huddys were killed. He remembers the occurrence and mentions it. He was for a load of turf at the bog, the breakfast was cooking at the time, when he came down to his house he saw the prisoner, Michael Flynn and Thomas Higgins. Then he is asked did he see Pat Higgins do anything. He does not say he did see Pat Higgins do anything, but he saw Michael Flynn and Thomas Higgins murdering the boy at the back of the barn. They were right over him murdering him with shots. Tom Higgins was firing the shots—Pat Higgins was standing on the borgen—saw Joe Huddy murdered. There was some confusion about that, and he cleared it up rapidly by explaining not that he saw him being murdered, but that he was killed before him, exactly agreeing with his mother. He was dead. Patsy Higgins was near him. The body was put into the basket by Pat Higgins, and Michael Flynn raised it on Pat Higgins and he went away in the direction of the road. The basket in which the body was placed was raised upon the prisoner and he went away with it raised upon him, and that is the only account that can be given, that is suggested or can be conjectured in what manner the body of the elder Huddy was disposed of, for no evidence was given by any other person about it. He said the boy Huddy was put into a bag; he does not know where it was got, for they had it before he came up. Tom Higgins hoisted it on his back. He said to the witness to carry it, he said he would not; and Higgins said he would not be thankful if he did not do it. I was a little arrested at the time, in reference to the suggestion that these different witnesses of the Kerrigan family had made up all this account by comparison with each other, and I was particular to see whether the expression "thankful" was the same expression the mother had made use of, which the Interpreter had rendered "sorry," and the Interpreter told me that the mother did not use the same Irish phrase, that the phrase used by her was the equivalent for "sorry," whereas the young boy used a phrase saying he would not be thankful for it. Patsy Higgins was on before him. He arrived with the bag

at James Corbett's when Patrick Mannion and the witness came out of Corbett's, and Tom Higgins tripped him and said he should put the bag upon him. The exact expression tripped him, I did not understand. Whether he tripped himself in carrying this load, probably as great as himself, whether he was forced on or carrying it, probably tripped. The bag was put on Mannion, who carried it some distance, and on Patrick Higgins (Sarah), who had come some distance after them with a basket of turf, approaching, the bag was taken from the back of Mannion, an elderly man, whose age or infirmity rendered him unable to carry it, and was carried away by Tom Higgins and Patrick Higgins (Sarah). Tom Higgins raised it on his back, and that was all he saw. Mathias Kerrigan left and returned to his own home too happy to escape from this terrible business. Michael Flynn had gone on with the prisoner. Very shortly afterwards, Mannion, the other man who had been forced to carry this dreadful burden, left the party also, and left the body of the younger Huddy in the possession of those persons who alone had an interest in its concealment. Now Thomas Higgins must be a person having no existence at all, and Michael Flynn must be a person having no existence, or in concurrence with the testimony given by all the Kerrigans, you must give absolute credence to this statement of the witness Mannion that they were the persons who then assisted in transferring the burden to himself, and removing it from him and carrying it away, and they are not shown to have come to any understanding or privity with Matthias Kerrigan. Kerrigan's son returns to his father, and as I have said the body remains with those persons who have the deepest stake and concern in making away with it. He is cross-examined, and he says he was in gaol charged with the murder. He is not sure whether he was a fortnight or three weeks together with his father. It would take him about an hour to go and return from the bog to which he went for the turf. That question was asked in view of the question raised in the early part of the day as to the time the crime was committed, which was not successfully contested, and is not material. He said he had a load of turf on an ass; that he got up that morning and went to the bog, and he had light to go. He said he told us every person on the road at the time—in the boreen. In answer to the Solicitor-General he was asked did he see anything done to Mannion, and he said—he ultimately said when the question was put to him, and it arrested my attention at once—he was asked was anything done to Mannion—did Mannion fall, tripped in any way, and the boy, instead of addressing the interpreter, addressed the prisoner, and he said—"Did he fall?" actually appealing in some involuntary and instinctive way to the prisoner himself to tell whether or not Mannion fell or was tripped on the occasion of carrying this load. Then Martin Kerrigan, the youngest of this family, was examined; he is eight years of age—

Mr. Treeling.—Eleven years, my lord.

Mr. Justice O'BRIEN.—Eleven years? I beg your pardon, he was stated to be eleven. My own impression was that he was eight. He is a very young lad, at any rate, and considering that, even under all the difficulties of the vehicle through which it was conveyed—speaking the Irish language—he displayed such intelligence—the quickness and intelligence he showed was such that might cause a feeling of regret that that young lad should be allowed to remain in the humble and obscure condition and home from which he came. He said he lives at Cloghrack, with his father. He did not know Joe Huddy, but recollects being in the house one morning, and hearing shots. He was coming out of the barn with a basket—that possibly was the cleave his father mentioned. His father was threshing oats, and for the removal of the corn a basket would be necessary. After hearing the shots, he looked out to the boreen, and he saw Pat Higgins, Michael Flynn, and Thomas Higgins (Tom). He saw dead bodies in the boreen. He saw two bodies, he saw Pat Higgins knock the old man, he saw the old man put into a basket and the boy into a bag. Michael Flynn raised the old man on Patsey Higgins' back, the prisoner's back. The little boy was put into the bag, head foremost, he said. Now let me rest upon that expression and that statement of that young child for one moment, no where in the evidence of any of the witnesses nor appearing in any of the depositions, nowhere in the evidence of any witness that came upon this table was a statement made by any person that the younger Huddy had been put into that bag head foremost. Now, to a young person of the age of that witness, seeing this extraordinary circumstance of the dead body, the body of a youth, put into a sack, a thing like that would impress itself wonderfully upon his recollection; the body being put into the sack head foremost. And he received no kind of hint that that was so from any witness because no other witness mentioned the circumstance whatever, and it is nowhere mentioned in the depositions. One of the Jury asked the question of either one of the officers of the "Valorous" or of the Constable by whom that sack was opened, and it turns out that the case was exactly as the young lad stated—that

the body was put into the sack head foremost. That is a most powerful circumstance to my mind to meet the imputation that the evidence of these various witnesses was the result of comparison or concoction between themselves. He says his brother came with a load of turf and Tom Higgins put the sack on his brother's back, and they went down the breen. He saw Pat Higgins (Sarah) go down after them. He was going with a basket of turf. He saw his brother go with the bag. He had not taken his breakfast. His brother was not long away before he came back. In cross-examination he says he was going to the barn with the basket when he heard the shots. He is asked did he never swear he was in the house when he heard the shots; to that he says he was going to the barn, and he was outside the door. His deposition was read in which he stated he was in the house when he heard the shots, but now he says he was outside. And the question being put in the most direct manner to him by Counsel—"Would it be true as he had stated in his deposition that he was in the house," and he says it would not be true, and the evidence he now gives is true evidence. He saw Pat Higgins strike the elder Huddy with a stone and knock him down with it. Thomas Higgins and Michael Flynn were together when Pat Higgins took a stone off the wall, and struck Huddy with it. He is asked did he see the two dead bodies lying on the ground, to which he answers as quick as lightning, "and I saw them fire the shots," and the deposition was read, and put in which contained that statement. He was a little bit out when he saw him struck with a stone, he was only just out. He knew his father was in gaol on a charge of murder. He had no talk with any one about what he had seen. He is living with his mother, but he had no talk with her on the subject, nor with his father, nor with anyone else, nor did anyone tell him what to say, his observation being. "Did they not see it themselves as well as him"—a reason for his not having any conversation with his mother, brother, or anyone else. In re-examination he said he told the story in Galway in Irish, and the interpreter there was not the highly intelligent man who rendered such aid in the conduct of this trial. He only knew through the Interpreter what he was stated to have said in the deposition. He was asked by one of the jury where his mother was at the time, or what his mother was doing, and he said that when he was going out his mother was spilling water, and no doubt that is the exact point of time at which the mother fixes the attack upon Joseph Huddy. Then comes the witness Patrick Mannion, who supplies another scene from an entirely independent point in this drama. He remembers being in Corbett's house in January last. It was after breakfast-time in the morning. He came out and he saw outside, Thomas Higgins, young Mathias Kerrigan, and Patrick Higgins (Sarah). Mathias Kerrigan had a bag on his back, and when witness came out, Thomas Higgins caught him and pulled him out here, or said "Come out here," pulled him out, and took the bag off Kerrigan's back, and put it on witness, Mannion's back. He told him to "walk out." Now, you will observe how well the evidence that Patrick Mannion gives as to the use of force and constraint upon him to prevail upon him to carry this terrible burden agrees with all that Mathias Kerrigan, the elder, and Mathias Kerrigan, the younger, tells of force and constraint used on him also. There is not merely the presence of Thomas Higgins established by two witnesses independent of each other, but the very means taken by him to induce other persons to carry this burden. He told him to "walk out," he said he was not able to carry it. The oldman said he was not able, and Thomas Higgins was putting him down the road having this load upon him, or pushing him as you would push a reluctant person down the road; he began falling off and he was pushing him, that is Thomas Higgins was pushing him, and he tripped him on his knee, that is the result of the pushing or putting him down the road caused Patrick Mannion to fall upon his knee, that he was tripped on his knee, and then Thomas Higgins put the burden, put the bag upon the back of Patrick Higgins (Sarah), and Patrick Higgins (Sarah) carried the corpse the remainder of the way, so far as we know. Patrick Mannion then left and returned to his own avocation and the house where he had been, and Mathias Kerrigan returned, leaving to the others the question of the disposal of the body. He says he saw no other person there. In cross-examination he is asked was not Mathias Kerrigan one of the young men who put the body on his back and he says both young Mathias Kerrigan and Tom Higgins. About nine or ten weeks ago he told the police. In re-examination he says that he fell upon his knee. Now, John Halloren is the next witness examined. He lives, as you have heard described, a little way beyond the house of Mathias Kerrigan, at a point where a hillock would separate his view. He remembers in January last hearing some shots, not long after Christmas. There was a big hillock between him and the Kerrigan's. He was cleaning oats in his own barn when he heard the shots, and afterwards he went to the side end of the barn, and looked down towards Kerrigan's house,

which would necessarily seem to imply or convey to my mind that he had a view of the road to Kerrigan's house. "I saw a couple of men, two or three; saw Patrick Higgins near his own house; there were a couple of men following down the hollow—following down the hollow." I cannot say whether he intended to convey the part by the hollow that was towards Kerrigan's house or the other direction. "There was a couple of men following down the hollow, the prisoner was a little way from the other men." He saw him over the wall. He did not see Joe Huddy alive that day. He returned to his threshing. He made another statement which seemed to indicate that he was by no means a willing witness for the Crown—by no means disposed to bear testimony against Patrick Higgins. He said he had his hands beside him, John Halloran his father, heard one shot. He was examined in Galway, and he states that he saw Patrick Higgins between Kerrigan's and Patrick Higgins' house.

Thomas Mannion, a young labourer, deposes to one written matter of fact, but it is one of importance. The name of a man named Michael Flynn is used by all the Kerrigans as the name of a person who was engaged in the commission of this crime. They state that he went on with Patrick Higgins, the accused; that he carried away the body of the elder Huddy; they stated that he was present, actually engaged in the commission of this crime, and using loaded firearms for the purpose of committing it. Now, what does Thomas Mannion say? He is a very young boy, an Irish-speaking witness. He remembers the morning that the police came and were looking about the Huddys, and he remembers the day the Huddys were killed; that same day they came; they came in the evening. He saw Michael Flynn there, and had a conversation with him; the nature of that conversation could not properly be asked upon the trial of the accused, Patrick Higgins, but the fact that he had a conversation with him removes all doubt as to the means and opportunities of knowledge the witness possessed. There was a man named Michael Flynn there, and he had a conversation with him, and that is certainly very remarkable confirmation of the account given by all the Kerrigans, that a person named Michael Flynn was engaged in the commission of the crime. He saw him there that morning; Michael Flynn being a stranger, not residing in that locality, not shown to have any residence or any occupation there; Thomas Higgins (Tom), also not shown to be residing there; and the account given by the two Kerrigans being to the effect, being clearly to the effect, that the murder was committed by the aid of firearms in that way, as I have already said, shows that it was brought about by the influence of an external agency. Now, we may pass over the evidence of the doctor, and of Mr. Mason, the governor of the gaol, to which I have already drawn your attention; and the evidence of Mr. Brady, who was examined as a witness, and told you the order in which these depositions were taken, because it occurred to me with regard to the question which arose as to the contradiction between the deposition and the statement of Martin Kerrigan that he was in the house when the shots were fired, and then that he was outside the house and saw the elder Huddy knocked down with the stone—it occurred to my mind that that might be accounted for by the order in which these depositions were taken; that if the father and mother had told their part of the story, the person taking the evidence of the young man did not think it necessary to take the whole of it, or to do more than take the substance of it. It very frequently happens that that is the case, and it does appear by the evidence of Mr. Brady that the evidence of young Martin Kerrigan was taken last. Now, after the speech on behalf of the accused, which, as well as the second speech made for the accused, I would characterise in appropriate terms of the nature of the business we were engaged in were it not too solemn for any mere personal eulogy. After the speech of Mr. Teeling, Kate Higgins, the daughter of the prisoner, was examined. She said she is the daughter of the prisoner, and her mother was living with the prisoner; her two brothers are in England, her two sisters in America, and one brother and herself at home. On this day she heard shots; her brother was in Glentreagh; besides herself, her father and mother, a girl named Mary Conroy, was the only person present; she remembers hearing shots when she was going down the garden—the garden being the way of describing the haggard—with an armful of oats; her father was in the boreen threshing; she did not stir until she put in the corn, and then she and the other girl ran out on the road; she saw two men at Kerrigan's street or yard killed. Now the street or yard of Kerrigan's is the entrance to Kerrigan's house from the boreen—you have it sufficiently described—and she fixes that as the precise locality where she saw the bodies. She saw himself, his wife, and his family—they were out on the road. Her father was in the barn threshing oats, and she went in and told him, and the father went up on the road, and blessed himself. They went back. She is asked did she see her father do anything to the men on the road, and she says not. Now bear in

mind that from the evidence given by Mr. Ryan the portion of the road or boreen directly adjoining it could not be seen until you had passed the angle of the road where the trees are—that the wall of the house of the Kerrigans would intercept your view. Now listen to the cross-examination by the Solicitor-General. There are two lengths of a spade or “loy”—one of the implements with which turf is cut—from the barn where her father was engaged threshing to the dwelling-house in which they resided. He had been cleaning out the corn the whole morning, and she saw her father doing that the whole day. She did not see Joe Huddy that day. They did not come to the house that day to serve. She was going down with a load of oats to the garden when she heard the shots; she went down herself on the road; she went so far until she saw two men dead on the street; she was going along over there and the Kerrigan’s told her to make off; she was going to drive the geese over the boreen. She explained that by saying that some geese were trespassing and that she was driving them away. She was at Kerrigan’s house; she walked after the geese; and then she ran off for her life; when she was coming down she heard shots; when she went to Kerrigan’s house she saw the men killed, she left the place; she saw Kerrigan put the man into the lag; was asked when that was and she said that was the time that they told her to go away; she saw nobody but the Kerrigans there, herself, himself, his wife and two sons, and his daughter. Mary is the daughter’s name. She went back to the house then; her father was in the barn, and then after that she came back to her father. After she came back to her father he came out and blessed himself; he came out on the boreen, and when he saw the thing he blessed himself, and desired them to go in when the men were murdered. The man was not in the sack at that time. She saw the thing, she said, as she was there doing her own business; it was after that she told her father that the two men were on the ground, but she saw them put the body into the sack. Asked how could she see them unless she was at the house, she said “from the back of the house she could see them.” Whether she intended to say the back of Kerrigan’s house or the other I do not understand. I would assume, from the statement, that she went down driving the geese, that it was from the back of Kerrigan’s house. She knows a man named Michael Flynn; did not see him that day; did not see Thomas Higgins; did not see Pat Higgins (Sarah); he might be there unknown to her; saw Kerrigan and his sons putting him into the sack; saw Kerrigan hoist it on the son’s back; he took him down the boreen; he—the boy—took him down the boreen; saw it passing her house; her father did not see it, he was still threshing the corn in the barn, and did not come out; she does not know who took the other body. Asked who was with young Kerrigan carrying the body, she said his father—“his father was with him carrying the body;” the two of them did not see the mother, nor the little boy, nor the sister; I understood her to say that she did not see them accompanying the person carrying the sack; she never asked what became of the other body from her father or anyone else; she heard the police pass that way; she does not remember Mr. Brady, the resident magistrate. Now, here is a most extraordinary part of the evidence. You know well what the power of observation of persons in that condition of life is, it far exceeds the power of persons in a different station of life—especially the observation and memory of the young. She did not see Mr. Brady; does not remember seeing Mr. Brady or being sworn before him; she never gave an oath; she is the daughter of Pat Higgins; she has no recollection of seeing Mr. Bolton, the Crown solicitor; she never kissed the book in her deposition in Court. Then having said she did not recollect Mr. Brady or Mr. Bolton; having sworn that she never kissed the book before, and never took her oath—she knew the meaning of being sworn—she is examined specifically and in detail as to all the statements in a deposition made on the 11th October, in the year 1882, a short time ago, purporting to be made by her in these terms. (Depositions were here read). She is questioned in great detail by the Solicitor-General upon every statement in that deposition, and she positively and absolutely denies that she ever made that statement. She was examined as to whether she knew what an oath was; whether she had taken an oath, and she replied by a question that at once elicited attention, not an answer but a question to the question she received, by asking was it an untruthful oath that they meant to say she had taken. She was asked did she now understand that she was being sworn, and she said that she did understand she was sworn on the table, so that she could be in no doubt at all as to what she had done at the time that deposition was taken in the presence of Mr. Bolton, before Mr. Brady, the resident magistrate, and I am bound to tell you that it is wholly impossible to escape from the conclusion that that young person wilfully and wickedly foreswore herself. It is not a question whether she made a false statement in this deposition, or I make a true statement upon the table, although

one or other would necessarily be false, but that upon the table itself she made a false statement. She was undoubtedly guilty of perjury. The counsel for the Crown is quite entitled to say that that casts a presumption of conscious guilt upon the accused himself, the production by him of wilfully false evidence, as showing the conviction in his own mind that he could not depend upon the true testimony, and that he therefore produced false evidence. There are, undoubtedly, circumstances or cases alleged to occur very often—they do occur sometimes, but very rarely—in which persons do produce false evidence to explain away circumstances of suspicion, although they are really innocent; still, in the present case, the Crown are entitled to say that the production of that evidence by his daughter raised a presumption against him. I would not, however, advise you to press that assumption that he was wilfully using false testimony too far against him; but, on the other hand, you cannot get rid of the other conclusion that the evidence of the Higginses which that testimony sought to displace is entirely uncontradicted. The next witness is Mary Conroy, and she is the very last to whom I shall have to refer at any length. She lives at Middle Cloghbrack, and is the daughter of a person named Pat Conroy; she had gone there for the prisoner's wife to go and card wool that morning; she stayed there for some time; they kept her waiting there; she helped the last witness to carry oats. When they were going out for the load they heard shots, but she did not then leave or go anywhere. "When we brought the oats we went out and we saw the Kerrigans, and saw the two bodies; the prisoner was in his own stable"—or barn, she means—"his daughter told him first; he went out." And then she uses a phrase which I could not understand at the time, but which seemed to be something that was being done—"he went out and he told them, 'never mind them.'" I assume that "told them never mind them" was a direction to the two girls to never mind what was going on. She said that she saw him—the accused—doing nothing to the deed ceased. She is cross-examined by Mr. Murphy, and she says there were five or six shots; it was a strange thing to have them so near them. "We were going down, and on the way we heard the shots. 'I don't know' I said, 'Kate, what's that: after bringing in the oats we will go and see. We will have time to tie the sheaves.'" She did not see Joe Huddy or his nephew coming there; she said, "Patrick Higgins, the prisoner, was nearer to the boreen than they were; she said there was something like shots; he did not go out himself: we went off to the boreen and we stood upon the hill." Now you have two remarkable statements made by her—that although they heard shots they did not interrupt the business they were engaged in, and they communicated to the prisoner that they heard shots before they went out. And it is a very curious circumstance, if it ever really happened, that the man of the house—the father of the family—should send the two girls out to find out what the shooting was about—to find out what was the reason of this extraordinary demonstration, and that he should remain inside himself; and next you have it that it was not upon the road they went, but on the hillock. They went there apparently for the purpose of observation; went there, it may be, from curiosity, but it may be, not from an innocent curiosity, but from a criminal curiosity. They went there from a very strong motive, whatever it was, to see something extremely serious and important that was taking place. She went upon that hillock, she says, and distinctly contradicts in that respect the evidence of Kate Higgins, the daughter of the prisoner, who says that she went out driving the geese before her, went down the road, went down to Kerrigan's house, saw the bodies upon that road upon the two occasions, and that she approached so closely to the scene of this crime that the Kerrigans warned her off in a menacing manner, and told her to mind her own business. She goes on further to say, "I and Kate, we saw the bodies on the boreen; they were a little apart on the boreen." Now mind where this girl puts them. She is on the hillock; she has the means and opportunities for observation; she is examined apart from Kate Kerrigan, and she points out on the excellent model which fairly represents the scene of the locality. She points out the precise position where the body of the elder Huddy was, the place that every one of the Kerrigans say it lay at, at the end of the gable of Matthias Kerrigan's house. And she places the other body where the evidence of the Kerrigans says it was, confirming in a most remarkable way the evidence of those witnesses, and entirely displacing the evidence of that unquestionably false witness Kate Higgins. She said they were a little apart on the boreen. She said the old man and his wife, and his son, that is Matthias Kerrigan, were there; in that respect, also contradicting the evidence of Kate Higgins, that Mary the daughter was there. She said that they were all going up and down, from one to the other. That is the only account she can give. The two bodies were lying there dead—preparations being necessarily made by some one to take them away. The only account she can give is that they were going from one to the other, going up and down from one to the other. "Kerrigan's daughter was not there. Pat Higgins

stood at the barn ; he did not go up on the hill ; don't know who fired the shots ; did not see any of the men going down the road with the bodies ; did not see any of the men go down in this direction with the bodies ; Kate was going in and out ; there were geese—all that happened is that we ran up the hill and went down again, and I did not go out again ; he said"—that is the prisoner said—"to mind our own business"—as if there was some reason why the prisoner did not desire that any great curiosity should be exhibited by persons in his own family as to what was going on at that time. She "did not see Michael Flynn, or Tom Higgins, or Pat Higgins (Sarah) ; recollects a person named Thomas Flynn, a constable ; was afraid to tell him a word ; I told him I did not know anything about the Huddys, that I went off to school that day ; that I did not know of the police to be in the country until after the hut was erected ; Pat Higgins was taken up before the conversation with the policeman." She told the policeman then she knew nothing about it, though she "knew Pat Higgins was up for it ; I told him I went to school at 10 o'clock that day ;" and in answer to the counsel for the Crown "it was a fine lie I told." Then she says "Pat Higgins said he did not know what sort of men they were that were killed ; he said he did not know where in the wide world they would put the bodies ; that was while he was threshing. He said, maybe they would bury them in his ground, or in some other ground, to throw the blame upon him or upon some other person." Nevertheless, they didn't go to see where they were put. "We talked about it every way ; I heard that the bodies were found in the lake, and I thought they were the same bodies." Then, she said that Kate and she went out to the hillock, and Kate Higgins was recalled, and stated expressly that on the two occasions which she had mentioned, she did not leave the boren at all. Then Mr. Brady was recalled, and Mr. Bolton was called, and Constable Collins who was the interpreter upon the occasion, and each in a specific manner, deposed to the deposition being made by the girl which she positively denied ever having made. Matthias Kerrigan was then recalled and questioned about his daughter being in service, and the age of the young daughter, and about the conversation which he was alleged to have had with this Kate Higgins when she saw the bodies—as to whether he warned her off, and told her to mind her own business—which he denied. He said that he did not speak a word to her. Now that is fully the account of this evidence as far as it is material. No question arises about the finding of the bodies, the mode in which they were found, the time when they were found, or the circumstances attending their finding. You have now in the performance of this solemn duty which devolves upon you, to consider—bearing in mind the nature of the evidence given for the accused—the character of the evidence, how far it carries or assists you to an account of this occurrence. And bearing in mind the evidence given by the witnesses who have been examined for the Crown, the evidence of the witnesses Hallorans, who show that at the time when their attention was attracted, Pat Higgins was upon the road, the evidence of young Mannion who tells you that he met there Flynn, one of the persons named by the Kerrigans, the evidence of the elder man Mannion, who confirms the evidence of the carrying of the body—that Thomas Higgins (Tom) was there at the time—the evidence of the Kerrigan family themselves confirmed in every material particular where it touches the statement of any other independent witnesses such as either of the Mannions ; bearing in mind the nature of this crime itself, which as I have already said, for the preconcert and preparation made, the nature of the injuries made on the deceased, the class and extent of those injuries would imply that the crime was committed by trained hands, a crime committed by fire-arms ; bearing in mind the account given by the young man Matthias Kerrigan as to the mode in which the body of young Huddy was carried away ; that his father took no hand or part in the concealment or carrying away of that body, which he would be the first to do if he had anything to do with the murder ; that there is no account whatsoever given by any person whatsoever of what became of the body, unless the testimony of the witnesses for the Crown supplies that account, because it is wholly unaccounted for in any other way—and remember how inconceivable and how extraordinary a thing it would be that Matthias Kerrigan should be the author of this frightful crime, and that some other persons—volunteers, without any communication or connection with them, or any suggestion from them—should have taken upon themselves the burthen and difficulty of carrying these bodies to the lake, carrying them out to the boat, and depositing them with all this preparation—bearing, I say, all these facts in mind, you have now to consider what the duty is that devolves upon you, and of the responsibility to the law and to your own consciences which rests upon you. I have only one injunction to give you, in common with all who are engaged in vindicating the law—do your duty boldly, and manfully, and fearlessly ; for man or for the country there is no safety in weakness or cowardice at present ; and, let your judgment call for life or death, let it be fearlessly delivered.

The jury retired to consider their verdict at three minutes past one o'clock.

Mr. *Teeling*.—Now, my lord, that the jury have left their box, there are two matters to which I would call your attention. The first thing I would respectfully ask you to do would be this:—I submitted to your lordship as a proposition of law that if the jury came to the determination that Matthias Kerrigan was an accomplice in this murder, they should then strike out of their consideration, absolutely and entirely, the evidence of his wife—

Mr. Justice O'BRIEN.—And I told them the contrary, because—

Mr. *Teeling*.—I know, my lord; but my proposition was that if they came to the conclusion that he was an accomplice, they should strike out the evidence of the wife. You were pleased not to favour that proposition *dehors* other evidence.

Mr. Justice O'BRIEN.—And that is not a question of law at all, but a matter in the discretion of the Court upon which to give instruction and advice.

Mr. *Teeling*.—But it is an instruction having almost the sanction of law.

Mr. Justice O'BRIEN.—On the contrary, it has been distinctly held that the Court of Appeal would not review a verdict because that instruction was not given in such a case as you put.

Mr. *Teeling*.—I ask you to reserve for the consideration of the Court above whether, my lord, your lordship's direction in that respect is correct. I make that respectful requisition.

Mr. Justice O'BRIEN.—I decline to accede to it.

Mr. *Teeling*.—Very well, my lord. The second matter is of more importance. Your lordship was good enough to read the evidence of Mannion, but according to my recollection—and, as was my duty, I watched the charge with great care and attention—you did not call the attention of the jury to the fact that the witness said nothing whatsoever against the prisoner, Patrick Higgins; and I would ask your lordship now to have the jury recalled and tell them that.

Mr. Justice O'BRIEN.—I said nothing to the contrary. I read that evidence fully and I told the jury that it corroborated the testimony of the other witnesses for the Crown.

Mr. *Teeling*.—It is quite true; your lordship said nothing to the contrary.

Mr. Justice O'BRIEN.—I did not, and I read the evidence of Mannion.

Mr. *Teeling*.—But I ask you respectfully to tell the jury that he said nothing against the present accused.

Mr. Justice O'BRIEN.—I decline to do so. All the facts point to Pat Higgins (Long) being away at the time that Mannion deposed to.

Mr. *Teeling*.—That is not the point, my lord. Yesterday I observed upon this when addressing the jury, that Mannion did not say a word against my present client, and the omission of any reference to that in your lordship's charge may be misinterpreted.

Mr. Justice O'BRIEN.—Are you apprehensive now that the jury will be under the mistake that Pat Higgins (Long) was present when the sack was put upon Pat Higgins (Sarah)? They could be under no such mistake at all.

Mr. *Teeling*.—No, my lord, my apprehension is this, that as there are so many names including the name of Pat Higgins (Sarah) mixed up in the transaction, the jury may think that Mannion's evidence applies to the prisoner at the bar, as well as the others.

The *Solicitor-General*.—If he had named Pat Higgins (Long) as being there at the time it would have been inconsistent with all the other evidence.

Mr. *Teeling*.—It is not whether it is inconsistent, Mr. Solicitor, but whether in point of fact he has touched the prisoner at the bar.

Mr. Justice O'BRIEN (addressing counsel for the Crown).—Do you object to my telling the jury that Pat Higgins was somewhere else just then?

Mr. *Murphy*.—Oh, we do my lord. It is highly inconvenient to recall the jury, and I submit that it is wholly unnecessary—your lordship has already dealt with the matter most properly, you read the entire of the evidence.

Mr. Justice O'BRIEN.—I think so. There was nothing inconsistent in what I said, with what Mr. Teeling now asks. I will not recall the jury.

The jury returned into court at seven minutes past two o'clock when.

The Clerk of the Crown asked—Gentlemen have you agreed to your verdict?

The Foreman (Mr. Phillipson).—My lord there is no probability of the jury agreeing.

Mr. Justice O'BRIEN.—Is there any point on which I can be of any use to you gentlemen?

The *Foreman*.—Well I have asked that question, and the reply is that there is not.

Mr. Justice O'BRIEN.—The other jurors concur I suppose—you are the foreman.

The *Foreman*.—Yes, my lord.

Mr. Justice O'BRIEN.—And you represent their opinion in that respect?

The *Foreman*.—Yes, my lord, I do.

Mr. Justice O'BRIEN.—What does counsel for the crown say?

Mr. *Murphy*.—We leave it entirely in the hands of your lordship. I apprehend if the jury announce to you through their foreman, and it is his conviction that there is no possibility of agreement, no end could be served by keeping them longer in consultation. But I leave it entirely in your lordship's hands.

Mr. Justice O'BRIEN (addressing the foreman).—Do you assure me, sir, as foreman of the jury, having conferred with the other jurors and heard their opinions expressed, that there is no reasonable expectation that the result of further deliberation would be to secure unanimity amongst you?

The *Foreman*.—I have asked that question several times of the dissenting portion, and they say they don't wish to go into the matter further. They say there is no use in arguing the point.

Mr. *Murphy*.—After that statement there is no use in argument.

Mr. *Russell* [a juror].—Pardon me, my lord, the foreman says, "*they say*." That is not right.

The *Foreman*.—Well, I don't wish to point to any one individually.

Mr. *Russell*.—But it is scarcely fair to others to put it that way "They say"—

Mr. Justice O'BRIEN.—I quite understand, Mr. *Russell*—Shall I discharge them, Mr. *Murphy*?

Mr. *Murphy*.—Very well, my lord, we don't see the use of keeping them any longer.

Mr. Justice O'BRIEN (to the jury).—Well, gentlemen, I discharge you.

Mr. *Murphy*.—And, now, I wish to announce at once to my learned friends, that the prisoner will be put on his trial again the first thing on Monday morning.

An intimation was given to the effect that the jurors who had served on the first trial would not be called upon in the second, to be commenced on Monday.

The court adjourned.

THE DUBLIN DECEMBER COMMISSION.

11TH DECEMBER, 1882.

County of Galway.

THE LOUGH MASK MURDERS.

THE QUEEN *v.* PATRICK HIGGINS (LONG).

The Hon. Mr. Justice O'BRIEN sat in the Court House, Green-street, at eleven o'clock, when Patrick Higgins (Long), was again put forward to stand his trial for the wilful murder of Joseph Huddy, at Cloghbrack, County of Galway, on the 3rd of January 1882, the jury to whom he had previously been given in charge having disagreed.

The Hon. the *Solicitor-General* (A. M. Porter, Esq., Q.C., M.P.), James Murphy, Esq., Q.C., and Peter O'Brien, Esq., Q.C. (instructed by George Bolton, Esq., Crown Solicitor), attended to conduct the prosecution ; and

Charles H. Teeling, Esq., and Richard Adams, Esq. (instructed by Patrick J. B. Daly, Esq., of Ballinrobe), appeared for the accused.

The *Deputy Clerk of the Crown* (Mr. J. McCaffrey), called the special jury panels, city and county. While so engaged,

Mr. Teeling said—My lord, I think at this stage of the proceedings it is right that I should announce both for the information of your lordship, and for the information of my learned friends who conduct the case for the prosecution, that when the jury are about to be sworn, and when my friend Mr. Daly, who is the solicitor for the prisoner, has had an opportunity of swearing an affidavit—a very short affidavit which has just been prepared, that it is our intention on behalf of the prisoner to apply to your lordship for a postponement of this trial, and probably, my lord, for other proceedings against the persons whose names shall be mentioned to your lordship, when I come to make the application.

The calling of the panels was then proceeded with, and only 54 jurors answered out of the 200 summoned. When this had concluded.

Mr. Teeling said.—May it please your lordship, before any of the jurors are sworn, I have, my lord, on behalf of the prisoner at the bar, respectfully, to apply to your lordship for an order that his trial shall not proceed at the present commission, but, shall be postponed to such future commission, or to such future time as to your lordship, having regard to the matters that I am about to lay before you, should think in the interest of justice right and proper. My lord, I make the application upon the ground that having regard to the matters which I am about to bring before your lordship, the prisoner could not have at this present commission a fair or an impartial trial. I make the application on the affidavit of Mr. Daly, who as you are aware is the solicitor for the prisoner, and he says that he begs to refer to a copy of the *Daily Express* of this day, and also to a copy of the London *Times* of Saturday, upon each of which he has endorsed his name before making the affidavit. He says, my lord, that those journals are largely circulated and read in the country and city of Dublin, and particularly by the special jurors of the said city and county ; and that the said journals have great influence amongst the said special jurors—that is the special jurors of the county and the city of Dublin—and he says that the said articles are eminently calculated to prevent the prisoner from having a fair and impartial trial at the present Commission, and that they are even calculated to affect the independence of the jurors who are summoned to try the prisoner at the bar. Then he says, my lord, that in one of these articles, which of course it will be my duty to read—that in one of these articles, namely, that of the London *Times* of Saturday, the guilt of the prisoner is assumed ; and that in the other, namely, the *Daily Express* of this morning, the suggestion is made that one of the jurors who tried the prisoner on the last occasion improperly dissented from the opinion of his fellow-jurors, and he says, my lord, that he is accordingly advised by my friend, Mr. Adams, and by myself, as counsel for the prisoner, that this trial should be postponed to a future Commission. Now, my lord, the article which is first referred to in that affidavit is an article in the London *Times* of Saturday, and I need scarcely tell your lordship that the issue of the London *Times* of Saturday was in the city of Dublin not later than six o'clock on Saturday evening, and that the special jurors both of the city and

the county of Dublin had not merely upon Saturday evening, but had all day yesterday, and also this morning, an opportunity of reading the article in a paper which I need scarcely say is not merely taken in as subscribers by a large number of the special jurors of the city and county at their own homes, but is to be found at every public reading room in the city and also to be found at every club in the city of Dublin where the jurors are in the habit of resorting. Now, my lord, the article in the *London Times* to which I refer, after discussing a number of things connected with Ireland, proceeds in the concluding portion of it to make those observations. It is necessary that I should read the preliminary portion of it in order that the particular passage in which the guilt of the prisoner is assumed should be understood by your lordship. The *London Times* says:—“It is easy to declaim vaguely about the connexion between crimes and political discontent. Accordingly, it is often done in respect of foreign countries as well as of Ireland, and a mischievous laxity of thought is thereby produced. The exact chain of causation ought to be very clearly made out before we admit that such a crime as that of the murder of Lord Ardilaun’s bailiff and his grandson is dependent upon the nature of the administration in Dublin. It will not be denied, we presume, that under any form of Government, however Irish, a man like Patrick Higgins might get into debt. It will be admitted that, whatever millennial blessings an Irish Parliament might confer, it would not leviate the existence of creditors, at least as harsh as Lord Ardilaun, who is known as one of the best landlords in Ireland. These things being granted, can anyone show cause why we should believe that Patrick Higgins’s crime is in any way dependent upon the Union.” Now, my lord, I think I am right in saying that that article in the passage which I have just read, is a most improper and scandalous one. The guilt of the prisoner at the bar is assumed in the clearest and most distinct terms. I leave it, my lord, to the counsel concerned for the Crown to determine, when I have concluded my application, what course shall be taken with respect to that scandalous article, as regards the proprietor of that paper. I pass from that to the article referred to in the affidavit, as having been published in the *Daily Express* of this morning, and having read that article, I shall then proceed to bring before your lordship, as an aggravation of the first article, which has been published, as we say, to affect the independence of the jurors, and to lead them before the trial to the conclusion that the prisoner at the bar is guilty. I shall then call your lordship’s attention to extracts from other London papers of this morning, which are incorporated into that *Daily Express*, and as to the character and intent of which you cannot have the shadow of a shade of a doubt. Before I read the article in the *Daily Express* I may be permitted to say that whatever doubt there may be as to the exact character of the circulation of the *London Times* amongst the “jurors” of the city and county of Dublin, as regards the *Daily Express*, there can be no doubt that it largely circulates amongst the jurors, the special jurors particularly, and before those jurors came here this morning, in pursuance of the summons to attend, they had read that article, and they had not merely read that article but they had also read the other extracts from the London papers of this morning to which I have alluded. Referring to the proceedings which only closed on Saturday night, and which are still fresh in our memories, the *Daily Express* says:—“The abortive termination of the trial of Patrick Higgins for the murder of Lord Ardilaun’s bailiffs will disappoint the public, who naturally expected to find some satisfactory conclusion of a case which occupied so much time and was of such thrilling interest. It was not unexpected.” I ask your lordship’s attention to this—that is to say the abortive trial was not unexpected. “It was not unexpected however, by those who observed that the only dissentient juror on the arson case”—of which your lordship has judicial knowledge, because it was tried by your lordship—“was sworn on the jury in this case”—that is in the case of Patrick Higgins (Long) which terminated in a disagreement on Saturday evening. “As the prisoner is to be tried again to-day”—this seems to me to be merest mockery having regard to the previous part of the article—“we refrain from making any comment upon the murder”—they refrain, after having said all they could say, and after having marked out an individual juror as an object for observation—“who disagreed in a previous case in “which the court expected a verdict, was admitted by the Crown to serve on the jury in this case.” The natural inference to be drawn from that article is the inference that is stated—sworn upon oath in the affidavit of Mr. Daly—that that juror, whoever he may be, improperly dissented from the opinions of the other eleven, and that if there could be found on the jury who is now about to be empanelled (or who I should rather say I hope are not about to be empanelled) to try this case, a man of similar opinion, he would be improperly dissenting from the opinions of his fellow jurors. If there was nothing more than the publication of those two articles, one from the other side of the water—probably published there because

there may be a question whether your lordship's jurisdiction can reach it; but the other published in open defiance of all fair play and justice in this city of Dublin within a few hours of the time when the jurors who have to decide upon the life or death of the prisoner are about to be empannelled. If there could be any doubt as to what the suggestion contained in that article is, there can be none whatever as to the extracts from the other London papers which I am about to read for your lordship, and which of course have been read by all the jurors assembled in this court at the present moment, because we all know that the first thing one reads in the papers is that portion giving the short summary of opinions from the London journals. Now, in this same *Daily Express*—this paper which says it refrains from making any comment about the murder—this very same paper, which I repeat says in hollow mockery that it refrains from making any comment about the murder, copies into its columns, from the London papers of this morning, a series of comments, so that there should be a double influence operating upon the minds of the jurors; the congregated opinion from the other side of the water—carefully culled sentences from certain English papers, headed in large type by these words “Demoralized Jurors,” and inserted in the leading or principal portion of the journal, where it is utterly impossible it could have escaped the attention and the perusal of the jurors who are summoned to try the prisoner at the bar. The abstracts are these:—the first is from the *Daily Chronicle*—“It seems to us that the circumstances now existing,”—that is the disagreement of the jury on Saturday evening—“are such as to justify the application of that clause of the Crimes Act which empowers three judges to try causes without the aid of a jury.” That is, my lord, in other words, there has been such a failure of justice in this case, and that in respect of the dissentient juror, it is useless now to proceed any further with the trial, and that the only proper course is to put in operation that clause of a new Act of Parliament which dispenses in certain cases with trial by jury altogether, and hands over the fate of prisoners to three judges of the superior court. Is that passage or is it not, calculated to affect this trial? Is it not a statement to the jurors who are about to try this case, that the conduct of the dissentient juror on Saturday night was scandalous; that he failed to do his duty, and unless you now convict the prisoner at the bar, trial by jury must be absolutely abolished, and we must hand over the trial of all further murderers to three judges of the superior court. If it does not mean that, I don't know what it means, and I respectfully submit that if it does mean that, we have established that menaces and threats are held out to the special jurors of the city and of the county of Dublin, that upon the second trial of this case, at all events, they would agree to find the prisoner at the bar guilty. My lord, what is the next article copied into this *Daily Express*? It is from the *Standard*, and it says:—“If it is discouraging to find that one juror out of twelve has refused to consent to the verdict to which, in the minds of most reasonable men, the evidence would necessarily lead, it is of comfort to know that, in the presence of so much to intimidate the will and pervert the judgment, eleven out of twelve have been faithful to their trust.” Eleven have been faithful to their trust—the twelfth man has not been faithful to his trust—he has refused to find a verdict according to the evidence and according to his conscience. What that verdict ought to be is plainly pointed out—one of guilty against the prisoner at the bar. It is comforting to find that eleven out of twelve have been faithful to their trust. It is discomfoting to find—it is deplorable to find that one out of the twelve was unfaithful to his trust and to his oath. But the matter does not even rest there, because I have also an extract upon the same lines and in the same direction, from an article in the London *Daily Telegraph* of this morning. It says, my lord:—“It does not follow that the failure of justice in this case is due to anything like deliberate sympathy with murder, but the jury-system, as we retain it in Ireland”—that is, under circumstances in which one juror can be found upon his oath honestly to come to the conclusion that the prisoner was not guilty—that the *Daily Telegraph* says “is a sham.” The jury system of the city and county of Dublin, where one juror even can be found to be of opinion that Patrick Higgins was not guilty, is described as a sham kept up for what—why? My lord, what I am about to read is apart altogether from the question of the postponement of this trial, as gross a contempt upon your lordship's dignity and honour as president of this court as ever was committed on a judge of the land, for this paper goes on to say, after stating that the jury system under which there could be found one honest dissentient juror against finding the prisoner guilty is “a sham kept up to please nervous Irish judges and sensitive English Radicals, who shrink from the idea of arbitrary inlets.” I say that that article, as in the case of the others, is capable of but one meaning, and that the one that has been attributed to these publications in the affidavit—if

there was only one dissentient juror—as to which it is right for me to say there is no evidence whatsoever, and the Court has no right to assume the fact,—who was disposed to acquit the prisoner, that juror acted in such a manner as that the jury system may be properly called a sham, and that it was only kept up, not for the administration of justice, but for the sake of satisfying nervous Irish judges and English Radicals who would object to see a prisoner tried in any other way than by the ordinary mode which has forso long obtained in this realm. Now, my lord, I have made my application. I think I have conclusively established that, in these articles, there is a threat held out to the jurors that if they do not consent to a verdict finding Patrick Higgins guilty, they will be unfaithful to their trust—in other words that they will not be keeping their oaths, but will be calling God to witness that a true verdict they will find according to the evidence when they have no intention to find a true verdict or to keep their oath. Therefore, it is that I apply to have the trial of the prisoner postponed for such a period as may seem to your lordship just. So far as the dignity of your lordship is concerned, and the honour of your lordship, as holding her Majesty's Commission, I leave it to her Majesty's Solicitor-General to say what course he is about to take for the vindication of that honour and dignity.

The Solicitor-General.—My lord, I oppose this application, and I cannot but regret that counsel for the prisoner has thought fit to make it. The application of counsel, as must have been apparent to everyone acquainted with proceedings of this kind, has no possible foundation for it in the affidavit before your lordship. The application is founded upon an affidavit which states that certain papers circulate amongst the special jurors of this city and county and are read by them, and that they contain articles which are calculated to bias the judgment of the jury. The affidavit of Mr. Daly does not even pledge his sworn belief that the mind of a single juror on the panel has been, as a matter of fact, biassed by either one or other of those articles. Nay more, he does not say that they have been read by any one of the jurors, or have been the object of discussion—two matters which should always be put forward as the very basis of an application of this kind. My lord, I am not concerned to defend the accuracy of the statements in the different paragraphs that have been clearly culled and read to your lordship, by my friend Mr. Teeling. I myself think it an undesirable thing that newspapers should publish any comment whatever upon proceedings, while they are pending in court, and I should very much prefer that no reference had been made to this murder trial, beyond giving a report of the proceedings here. The reason I said I regretted this application has been made, and this affidavit read, was this—that probably very few jurors—I do not know if any—have had their attention directed at all to the matters mentioned by my friend; whilst now, when all the jurors are collected in court, my friend has thought fit to bring before them, and to read the comments upon the case of certain persons who write in the English Press. That appears to be a regrettable circumstance, and one that I myself am sorry for; but it is a matter which those who represent the Crown are not responsible for, and could not control. Now, my lord, the only ground on which this application is made is that the articles quoted are of such a character as to render a fair trial impossible. I flatly and entirely deny that there is anything in the suggestion of counsel that the prisoner cannot have a fair trial, in consequence of the publication of these articles. The first article referred to was one from the *London Times* of Saturday. I myself did not see that paper till it was opened here in court, and by the courtesy of my friend handed to me while he was speaking. There is one phrase in it mainly relied upon—namely, “the crime of Patrick Higgins,” which I think ought not to have been used. But whilst I quite agree that that phrase should not have been used, I have seen enough of the context to show that what is meant is the class of crime with which Patrick Higgins stands charged. However, as regards that article, I venture to think that not one single jurymen would be in the slightest degree biassed thereby in giving his decision upon his oath and upon the evidence which he has heard, and after hearing which he will be in a position to weigh, despite any writing in *The Times* referring to the crime of Patrick Higgins. I pass that by with this single remark, that that article is not stated to have been the subject of discussion or comment amongst the jurors, or indeed to have been read by any of them. I come then to the articles in the *Daily Express*, which I am no more concerned to defend than the others. But having read the article first read from that journal by my friend, I must say it appears to me, if it be anything, to be rather an attack upon those representing the Crown here, than an attack upon the administration of justice. Mr. Teeling stopped short in the middle of the article, omitting a sentence which appears to my mind to emphasize and point to that. After stating that the trial had been abortive, and that the public would naturally be disappointed that the jury did not come to an agreement, which I cannot find fault with,

because all who know aught of the administration of justice, are desirous that disagreements of juries should be avoided—it goes on:—“As the prisoner is to be again tried to-day, we refrain from making any comments upon the murder, but it is an unfortunate coincidence that the very juror who disagreed in a previous case, in which the court expected a verdict, was admitted by the Crown to serve on the jury in this case. The public will draw their own inference from the fact.” I presume it is meant that the public will draw their inference that those representing the Crown did not wish that there should be an unanimous jury, and that there was cause for a disagreement. I treat that matter—and my friends with me treat that matter—if intended as an attack upon those representing the Crown in this court—as it deserves. But there is nothing in that article that would appear to me to prejudice a fair trial now in any way. In addition, there were read extracts from several other articles in London journals, in which this murder, or the past trial, are discussed in a way that I think it would be better they were not discussed, and I must here repeat my expression of regret that these extracts have been so prominently brought before the jurors as has been done by my learned friend counsel for the prisoner at the bar. Still, we are not dealing here with persons having no intelligence, but with gentlemen who, when they come to act as jurors, will exercise their own judgments on the evidence adduced before them, and who, every one of them, must know that they will be in a position a hundred times—nay, a thousand times—better to arrive at a correct conclusion as to the result at which they should arrive than any person who writes any article in the newspapers—who writes, probably, without any full or proper knowledge of the facts. I regret, as I have said, that these publications should have taken place; but the application, I submit, fails in giving any grounds whatever for the postponement of this trial. What would the result be supposing the trial is postponed? These articles cannot be erased. They have been dealt with here by my friend in a manner calculated more than any other to give them prominence—they have been read in open court—they will be reported with the proceedings here in every paper in the United Kingdom to-morrow morning, and bearing that in mind, what end can possibly be served if this trial were now postponed for a week? None whatever. The application is made on wholly insufficient grounds, and I respectfully submit that the trial must now proceed. My friend has made an appeal to those representing the Crown that they should take proceedings in reference to this article—

Mr. Justice O'BRIEN.—As regards the imputation upon those who represent the judicial body, I absolve you, Mr. Solicitor, from the necessity of any such proceedings.

The *Solicitor-General*.—I quite anticipated that, my lord. But if those representing the Crown or those representing the prisoner conceived that any publication had taken place calculated to interfere with the administration of justice, an appeal to the jurisdiction of the court is just as much open to the prisoner and those representing him as to the Crown, and my learned friend in stating that it was his intention to make an application for an adjournment, added, and against certain persons whose names he would mention. Your lordship will no doubt listen to and deal with any such application, and if it occurs to me in the discharge of my duty, that application will be made by me, but if on the contrary I think it is no part of my duty, I shall leave it to those concerned for the prisoner to act as to them may seem fit. Again stating that I regret the present application has been made, since it can serve no good purpose, I submit that this trial must proceed in the ordinary way.

Mr. *Murphy*.—My lord, I have just a word or two to add to what has been said by the learned Solicitor-General. It would appear to me that this application has no grounds to sustain it whatever. In this case a trial has already taken place; evidence was heard, that evidence has been published, and the proceedings of Saturday have likewise been reported. That afternoon the foreman of the jury informed your lordship that there was no use in their being kept in consultation any longer, and when you asked could you give any aid or assistance, he answered that some portion of the jury, as he said, declined to argue the question altogether.

Mr. Justice O'BRIEN.—No, Mr. Murphy, you are a little incorrect. He stated that “they,” meaning that jurors (in the plural), would not, and he was taken to book by a very intelligent member of the jury.

Mr. *Murphy*.—As I gathered, the foreman said a portion of the jury, or the dissentients, or they, meaning or leaving the inference at all events that there was more than one, and another juror said he objected to the word “they” being used as casting a reflection on some of the jurors who did not deserve it. That all took place in public court—it was impossible to avoid the publication of it, and I may refer your lordship to a fact that occurred there at the last Commission in this very

connexion. A gentleman who had served in one case was objected to in the next on the ground that the evidence in both was practically the same, and that he had already made up his mind on it. A challenge was put in, and although the juror stated that he had already arrived at a conclusion on the evidence in the former case, that was held to be no sufficient ground. He was asked whether there was anything he had heard or had done that would prevent his coming to a fair conclusion, except the fact that he had heard the evidence before and come to a verdict upon it as affecting the particular prisoner then in his charge. He could not say there was, and his lordship who then presided, was obliged to rule that it was no ground of challenge. Here there has been a trial already had, the evidence has been published, and it was announced from the jury-box that the jury were divided in such and such a way. It is not alleged that these articles have prejudiced the jurors or have even been read by them, and I most respectfully submit that this application is entirely without precedent, and totally without any foundation whatever.

Mr. Justice O'BRIEN.—Suppose, Mr. Adams, these journals possess this influence that is suggested on behalf of the accused, at what time am I to determine that that influence will cease so as to take up the trial.

Mr. Adams.—I will meet that in a moment, my lord, but first of all I cannot see the reason of my learned friend, the Solicitor-General, in complaining of this application. What he says is this, that the prisoner's counsel by making this application at this time, and reading these passages, have directed the attention of jurors to the matters brought forward. If the complaint means anything it is this, that no matter how gross and scandalous the comments of a journal may be, no matter how calculated to prejudice the fair trial of a case, such articles may be, prisoner's counsel are to be for ever silent, lest action might—as it necessarily must—bring these matters before the public, including jurors. Mr. Daly in his affidavit pledges himself that the *Daily Express* has a large circulation amongst the Dublin jurors, and that is a matter of common knowledge—that it is the leading organ of the Conservative party in this city and county everyone knows. The class from which the special jurors are drawn is the high and wealthy class of the community, and it is among that very class that that journal with this article and these passages, culled with such skill, and set forth with such typographical prominence, so as to arrest immediate attention, circulates. The first article is a deliberate attempt to even mark a particular juror, for his name can be readily discovered by comparing the list of the jury in the arson case referred to, with the list of those who acted on the trial of Patrick Higgins, and he is held up to observation as a person who had failed in his duty in not convicting in both of these cases. The Crown, the writer adds, committed a grave mistake, if not something worse, by allowing him on the second jury. Everybody knows that on a recent occasion when the Crown believed that attacks had been made calculated to intimidate jurors in another direction, they instantly made an application in this court, and I submit that equal justice should be done on both sides. Comments are equally mischievous on whatever side they are made, and if we have had “So much for Buckingham—off with his head” in the one direction, equally strenuous steps should be taken in the other to maintain the independence of the tribunal. I submit that it is not to be tolerated that such extracts as those that have appeared in the *Daily Express* should pass unnoticed, and that it is not to be permitted to any journalist to hold up a juror to odium and observation who simply did his duty by acting—as we believe—according to his oath; much less to suggest that if jurors do not convict now, trial by jury will be swept away.

Mr. Justice O'BRIEN.—Well, if this Court were at present to refuse to proceed with this trial on the grounds stated, I am at a loss to determine at what time the Court would resume its ordinary functions. It does not appear to me necessarily to follow at all, even if a journal, such as the *Daily Express*, had properly or improperly indicated a certain person as having served on a jury and had violated his duty—it does not necessarily follow that on a new trial the same course would not be adopted and the same improper references made to individuals. And if these journals have exercised any undue influence, I cannot prescribe the time when that would cease. It appears to me that there is no ground laid for the postponement of this case, and I would be abdicating my own functions here were I to accede to any such application. Let the trial proceed.

Mr. J. Honner (acting for the Clerk of the Crown), then proceeded to empanel a jury. This was done from the first seventy-four gentlemen who had answered, thus—

67. Thomas W. Rutherford, 134, James's-street, West, ordered by Mr. Bolton, Crown Solicitor, to stand aside.

78. Bartholomew C. Russell, Hazlethatch, stand aside.

76. John Martin, Lusk, stand aside.

97. Patrick Ryan, 1 and 2, Townsend-street, stand aside.
 100. Christopher Brady, 8, Liffey-street, Upper, stand aside.
 92. James Smith, 14, Queen-street, stand aside.
 70. James Booth, jun., 26, Lower Ship-street, challenged by Mr. Daly, for the prisoner.
 3. Richard Pim, Stradbroke, Blackrock, challenged.
 58. Henry Hayes, Vico-road, Dalkey, challenged.
 16. Anthony Deverell, Thomas-street, stand aside.
 82. Stephen Breslin, William-street, stand aside.
 24. Henry Shaw, 12, Burgh-quay, sworn.
 67. James Whelan, Kimmage-road, stand aside.
 13. Benjamin Warren, 19, Molesworth-street, sworn.
 18. Patrick J. Plunkett, 14, Palmerston-road, Rathmines, stand aside.
 80. Walter R. Treveleyan, Clifton-terrace, Monkstown, challenged.
 74. Samuel Smallridge, 55, Seville-place, challenged.
 55. George Booth, 4, Stephen's-green, challenged.
 31. Maurice Leonard, 94, Thomas-street, stand aside.
 27. Samuel H. Close, 31, Henry-street, challenged.
 43. William B. Prescott, 8, Lower Abbey-street, sworn.
 54. Thomas G. White, 54, Abbey-street, stand aside.
 83. Charles Coghlan, Kilbarrack, Upper Raheny, stand aside.
 60. Edward Lynch, Springfield, Lucan, stand aside.
 38. William Henry Bewley, Rockville, Blackrock, challenged.
 68. William George Sloane, 3, Stephen's-green, North, challenged.
 87. John Kinsella, Dolphin's Barn, stand aside.
 9. Michael O'Mara, 91, Mount-street, Lower, stand aside.
 100. Francis Ormsby, Kingsbridge Terminus, challenged.
 7. William F. Lennon, 29, Dawson-street, challenged.
 12. Joseph Shannon, 57, Camden-street, stand aside.
 32. James M'Donnell, 31, North Wall-quay, stand aside.
 95. Joseph Connelly, 49, Great Britain-street, stand aside.
 89. Patrick Martin, 38 and 39, Ranelagh-road, stand aside.
 62. Joseph R. O'Reilly, Sans Souci, Booterstown, challenged.
 95. Henry C. Bloxham, Terenure-road, challenged.
 66. John Alfred Trench, St. James'-road, Clonskeagh, challenged.
 30. Thomas Larring, Haddington-terrace, Kingstown, stand aside.
 66. Patrick M. Purcell, 27, Lincoln-place, stand aside.
 69. William White, Abbey-street, Lower, sworn.
 57. Joseph Martin, 48, Fleet-street, stand aside.
 75. Henry Wigham, 38, Capel-street——

Mr. Justice O'BRIEN.—Mr. Wigham has already made the objection to serve on any jury in which a person is indicted for the capital offence, because of his views as regards capital punishment. What do you say under the circumstances, Mr. Solicitor?

The *Solicitor-General*.—We will pass him for the present, my lord.

76. Richard Booth, 63 and 64, Stephen's-green, challenged.
 80. Isaac J. Smallman, 17, Westland-row, challenged.
 6. Charles Kendall, 72, Gardiner-street, lower, stand aside.
 94. Daniel Burke, 1, James's-street, east, stand aside.
 56. Ambrose Coffey, 30 and 31, Lower Bridge-street, stand aside.
 18. Alfred G. Jones, 43, Stephen's-green, sworn.
 89. William Coleman, 3, Liffey-street, upper, stand aside.
 44. James Rorke, 138, Great Britain-street, stand aside.
 23. John Rigby, 24, Suffolk-street, challenged.
 94. Captain Kearney White, 39, Waterloo-place, Upper Leeson-street, sworn.
 84. Wm. Doyle, Lower George's-street, Kingstown, stand aside.
 56. Edward Fox, Glenageary Hall, Kingstown, excused, having served on City Grand Jury.
 44. Charles King, Alma-road, Monkstown, sworn.
 82. Wm. Lyons, 12, Northbrook-road, challenged.
 49. Arthur Rotheram, Layford-terrace, Monkstown, challenged.
 45. William Lyburn, Lower George's-street, Kingstown, stand aside.
 43. Robert Hatton, 2, Kenilworth-road, sworn.
 33. Thomas J. Plunkett, Portmarnock, Baldoyle, challenged.
 42. Terence O'Neill, Stillorgan, stand aside.
 2. Joseph O'Neill, St. Dolough's, stand aside.
 23. Joshua Bewley, Cross-avenue, Blackrock, sworn.
 17. Patrick O'Neill, St. Dolough's, stand aside.
 16. Frederick Maples, Blackrock, stand aside.
 11. Patrick Ford, Swords, stand aside.
 10. John Francis Donnelly, Castleknock, stand aside.
 29. James Fuller, 12, Dawson-street, called.
 Mr. *Fuller*.—I sent a doctor's certificate to his lordship.
 Mr. *Bolton*.—Stand aside then.
 86. Henry Smith, 165, Capel-street, sworn.
 77. John Colclough, 22, Duke-street, sworn.

- 53. William Slater, 58, York-street, stand aside.
- 93. Richard Wilkinson, 50, Smithfield, stand aside.
- 64. Laurence B. Rorke, Clondalkin, stand aside.
- 63. James Talbot Power, Leopardstown, Stillorgan, sworn.

The jury having answered their names as follows:—Henry Shaw (foreman), Benjamin Warren, William B. Prescott, William White, junior, Alfred G. Jones, Captain Kearney White, Charles King, Robert Hatton, Joshua Bewley, Henry Smith, John Colclough, and James Talbot Power.

Mr. *Honner* (Deputy Clerk of the Crown) said—Gentlemen of the jury, in Number 2 the prisoner, Patrick Higgins (Long), stands indicted that on the 3rd day of January, in the year 1882, he feloniously, wilfully, and of his malice aforethought, did kill and murder Joseph Huddy. To that indictment he has pleaded not guilty, and your issue is to try and inquire whether he be guilty or not guilty.

The *Solicitor-General*.—May it please your lordship, gentlemen of the jury. I have now in this very serious and important case to bespeak your grave, solemn, and attentive consideration to the evidence which will be adduced before you. My statement of that evidence is of course a matter that you will entirely disregard, save in so far as you find it subsequently corroborated, and borne out by sworn testimony in court. You are empanelled to discharge a serious and solemn duty. The prisoner at the bar, Patrick Higgins, is charged with one of the gravest crimes known to the law—the crime of wilful murder; and that circumstance alone is sufficient to bespeak upon your part a very calm, a very grave, a very attentive consideration of everything that shall transpire in the course of the case, and before I proceed to say a word to you in reference to the crime itself, or the evidence by which it is expected that it will be brought home to the prisoner, I have to give you one word of caution that may be perhaps wholly unnecessary, but which I do not think I can well avoid giving you. An episode occurred in court to-day in reference to the application to postpone this trial, and at that time there were present, if not all, at any rate most of you were in court when passages from newspapers commenting upon the previous trial of this case were read in court in your hearing. I have to ask you on the part of those representing the Crown, absolutely and entirely to disregard every word of comment in the press, and every word that you may have heard outside. I presume you have not had any discussion in reference to the case, but if you have, or if any word has reached your ears in reference to it, your duty, your sworn duty, is to attend simply to the evidence that will be presented to you here in court this day. Gentlemen, the prisoner is a Connemara peasant. It would be affectation not to mention that the case was tried before. We all know that it was, at the end of last week, and from what then transpired we know that this man does not speak any English himself, and I believe cannot understand English—at least, if he can understand English, it is very little. The trial will largely be conducted through the medium of an interpreter, because many of the witnesses, like himself, speak no language but Irish. It is, however, a source of great satisfaction to those who represent the Crown, to know that the prisoner has, under the provisions of the law by which he is tried, been able to secure not alone the attendance of all witnesses who may be necessary for his case at the public expense but that he is not bereft of counsel and advice, having been fortunate enough to secure the services of my two able and learned friends who will conduct his defence upon this occasion. The case itself is one of a most appalling and terrible character. That circumstance must solemnize our minds when we come to consider it, but it must not be permitted in any degree to press against the prisoner. The gravity of the crime in no sense proves the guilt of the accused. I, with those few introductory words, shall proceed now to state to you an outline of that which the witnesses will afterwards prove in detail. The prisoner is a tenant upon the Galway estate of Lord Ardilaun. His place of residence is in a townland called Cloughbrack, on the margin of Lough Mask. The map which is now upon the table, is the same as that which has been, with the consent of the prisoner's counsel, handed up to you for use, except that it is upon a larger scale, and I am not sure that it indicates any more than the situation of the portions delineated on the map. That one required for the trial corresponds with that before you. The townland of Cloughbrack is on the margin of the southern portion of the south-west corner of Lough Mask. Through that townland there passes a main road which, for the purposes of this trial, we will call the Clonbur-road, leading from Clonbur, which is in this direction (pointing to map) there and near the margin of the lake, separated from it, however, by some distance. When one passes on to Cloughbrack, there are, as you see, marked upon to map a good many houses, which probably will amount almost to a sort of small village. The prisoner lives at the spot on which I have now my hand, in Cloughbrack Upper. His residence is immedi-

ately adjoining the lane which leads off the Clonbur road, in a direction away from the lake. The next house to it, which you may see marked there, which is the scene of the murder, or near the scene of the murder, is the house occupied by a man called Matthias Kerrigan, who plays an important part as a witness in this case. There are several other houses upon that lane or boreen, such as will be described to you by the witnesses living round about there. Besides the houses of men, called Corbet, Macken, Higgins, and then Matthias Kerrigan, there are some other houses that you will observe upon the opposite side of the road, resided in by persons called Halloran, and as something turns upon all those names, you will observe them upon the map, and be able to appreciate the evidence in reference to them. Considerably further down the boreen you will see the name of a person called Luke Kyne; he will also be mentioned in the course of the proceedings. In the early part of the month of January of the present year many of these tenants had been considerably in arrear in their rent, and the agents of the nobleman upon whose property their holdings are situated had come to the conclusion that they should be served with ejectment processes. These ejectment processes were for the sessions which would be held at Oughterard on the 19th of January; but they had to be served of course some time prior to that date, and as a matter of fact the bailiff to whom was entrusted the duty of serving those processes upon the tenants left for the completion of that work upon the 3rd of January, 1882. The processes had been given to him a few days previously, and they were in the ordinary form of civil bill processes of ejectments, with originals and duplicates—copies for service. Whether the 3rd of January was the last day—I am not perfectly certain whether or not it was the last day, but I think it was the last day for service for the sessions, which were for the 19th—about a fortnight later, so that I think it was the last day, allowing for Sundays—but, at any rate, you may take it that on that day the bailiff left his home for the purpose of effecting the service of these processes. It is greatly to be regretted that upon that occasion he had to resort to personal service without adequate protection. Whether it was that he was ignorant of the danger to which he was exposed, or whether it was that in the discharge of his duty he despised it, this much is certain, that the bailiff, whose name is Joseph Huddy, on the morning of the 3rd of January, which was a Tuesday, left his home with no other companion, for the purpose of effecting service, than his grandson, a boy called John Huddy, of the age of some sixteen years or thereabouts. The bailiff himself, Joe Huddy, was a man in or about the age of seventy years—probably over seventy years of age. There is, I must say, some little difficulty in getting at the age of a man in his position of life, for his friends or relatives do not appear to be very accurate upon the point, but as near as we can go I believe he was rather over than under seventy years of age. He resided at a place called Creeva, not shown upon that map—several miles distant from this scene—I think as many as seven or eight miles—the exact distance, if anything turns upon it, can easily be proved to you—and on that morning he left at or about daylight, before some of his sons who resided in the house with him were actually up—I believe they never saw him, one of them certainly did not see him leave the house—but he and his grandson left; they got upon a car which was in attendance for the purpose of conveying them to this place, and they drove off to this townland of Cloughbrack. The cardriver, we are not able to produce before you; I believe he has left the country, or cannot be produced; but there is no doubt that they left on a car, the three of them, and, so far as is known or can be inferred from anything that took place in the case—they were absolutely unarmed and unprotected, probably fearing no evil from the persons amongst whom they were about to go. Gentlemen, amongst those against whom ejectment processes were to be brought, and on whom ejectment processes had to be served by Huddy on that day, were several of those who have been named by me already, and who will be named in the course of the case. I think if it becomes necessary we can give you a tolerably specific list of the documents that he had received for service, and that it was his duty to serve, and that list may become of some importance in the course of the case, as I think some discussion may be raised upon it. I may mention to you without asking you to burden your memories in reference to this, during my speech, with the names of those persons who were to be served, that Patrick Higgins, the prisoner at the bar, was one of them—Patrick Higgins, otherwise called Patrick Higgins (Long), the word “Long” not being his surname, but being an adjective added to his name, as is common in this part of the country, to distinguish him from other persons of the same name: and it is necessary that an adjective should be used occasionally, because there is another man of the same name, Patrick Higgins (Sarah), who may have succeeded to property through his mother, or through some other relative of that name. However, he was thus to distinguish him—Patrick Higgins

(Long), and he was one of the persons who was to be served with a process; and another of the persons for whom Huddy had also a process for the purpose of being served was Matthias Kerrigan, whom I have already named, and he will, as I have said, occupy a considerable amount of your attention in the course of this trial. There were men among those who were to be served with processes of the name of Kyne, whom I have already mentioned as residing a considerable way further down the boreen. There was in Lower Cloughbrack, the residence of a woman named Mary Walsh. I am not sure whether Mary Walsh is put down upon the map at that place, but she resided at that house with her mother who was a widow, and with her husband Patrick Walsh. The mother's name is Bridget Comar, and it was Bridget Comar who occupied that house and the holding, and was the tenant of it, and it was the duty of Huddy to serve a process at that house for Bridget Comar; but inasmuch as some little confusion arose in reference to that name on a former occasion. I may mention to you, in order to avoid it on the present, that there was also another tenant upon the estate named Comar—Patrick Comar (Mark)—occupying a different holding, and in no way connected, so far as we know, with Bridget Comar, for whom also there were documents—ejectment processes, which were delivered to Huddy, and which he no doubt left home with the intention of serving. You will see the force of this evidence in a moment, bearing in mind what I have mentioned to you—that at the house of Mary Walsh he was to serve a process on Bridget Comar, which was addressed to Bridget Comar, and which had nothing to do with anyone else. There was also a person called Patrick Moran, who will be mentioned at another part of the case, and I may now tell you, so far as we know it from the evidence that transpired, what it was that Huddy actually did on that morning. Gentlemen, coming from Clonbur along this road, he and his grandson must have left the vehicle on which they came either at or before they reached this (pointing to maps), corner where the first road turns off to the left. They passed the two of them, the grandfather and the grandson, down along this road till they come to the house of that Mary Walsh, whose mother Bridget Comar, was the tenant of it, and there they undoubtedly without trouble and without difficulty or dispute effected service of the civil bill ejectment for Mrs. Comar—they left it with Mrs. Walsh who will be produced and examined before you, and who will tell you that they left her house safe and sound. I am not certain whether she says anything about the grandson being there at the time or not. She was in delicate health at the time, but she says undoubtedly on that morning that the process was served at her house and upon herself for her mother. They appear to have proceeded along this same lane until they came upon that crossing on the same lane to the house of a man whom I have mentioned to you, Patrick Moran, and at Patrick Moran's they also effected service, and went away peaceably from that house. An inmate of that house, Catherine Moran, will also be examined before you, I believe, to prove that fact. It would appear that from that house of Patrick Moran's they made their way back again to the Clonbur-road, at or near the crossing where this second by-road joins into it, or perhaps they crossed the open country in this direction and struck into that by-road, and then they went on it again to the Clonbur-road, because they were seen with persons of the name of Flynn on that road that morning at or about breakfast-time. I am not aware that anything in the case will turn upon the exact point of time at which they were seen at these different places. This much is certain, that they were seen alive and well on that road, so that their appearance there does not seem to have attracted any particular attention on the part of those who saw them in the house of these Flynns. Gentlemen, after proceeding along to the corner of that which I have called the boreen, and going along that lane or boreen down to that (pointing to map) point, they never were again seen by anyone whose evidence was forthcoming, or whose statement or opinion was given until quite recently—they were not again seen until, upon the 26th or 27th of January, their dead bodies were recovered out of Lough Mask. We now know what did happen to them. We know it almost in its main particulars—in its main features—and wholly irrespective of the question of the guilt or innocence of the prisoner who is now at the bar—we know it as well as if we had been present upon the occasion. What happened was this:—Proceeding down that lane for the purpose of effecting service of ejectment processes, they passed the house of Macken, they passed the house of Higgins, and you can have no doubt whatever, when you will have heard the evidence given in the case, that they effected service at Patrick Higgins' house—the prisoner's house—of the process which it was their duty to serve. His case is, we know it now, that there was absolutely nothing to have interfered with the service of the process upon that occasion—that he was himself at home, peaceably engaged—for that is his case—engaged about his ordinary avocation, and that there were at least two persons capable of being produced as witnesses here to show that he was

at home upon that occasion, namely, his daughter and another girl; and it is a common case so far as the Huddy's were concerned, that there was nothing whatever to have interfered with the execution of their duty by the Huddy's as bailiffs—the duty which they had come expressly to perform. Gentlemen, after passing Pat Higgin's, and when I say that they effected service there do not understand me as conveying that from anything that has transpired in the case. My learned friends who conduct the defence are bound to make no such admission. I do not put it in that way certainly, in fact it will be disputed—but I am speaking only of the inference from the facts. It appears to my mind almost a conclusive piece of evidence—but it will be of course for you to deal with that, for, as I have said before, you will only take your facts from the evidence, and not from any statement of mine. Gentlemen, proceeding along that road, the next house in order was the house of Matthias Kerrigan, and at the house of Matthias Kerrigan, if they had but reached it, it was the duty of old Huddy to have served another process. Now, I think that probably I can better explain what happened now by using a model which has been prepared, and which will show you this particular portion of the ground with which I have to deal. This model is, as you will perceive, in two parts, and I will explain to you exactly how that occurred. The gentleman will be examined before you, under whose direction and personal superintendence the model was prepared, and he will tell you that, in the first instance, there was only a model made of the portion of the ground representing the scene of the murder itself. This (pointing to the model), is Kerrigan's house, as laid down upon the map. This other portion is Kerrigan's barn, which is also laid down upon the map; and that was the immediate scene of the murder, under circumstances that I will tell you. It became necessary to show the position of Higgins's house—the prisoner's—and the model showed that house as it was formerly so (describing the position on the model), but Mr. Ryan, the gentleman who prepared it, said that as regards this portion of it it could only be used as illustrative, because it had not been prepared with the same accuracy of plan and detail, as the other part. However, inasmuch as there was some suggestion, and a reasonable and proper suggestion, that the entire model ought to be made with the same accuracy as the other part of it, since this case was last tried, Mr. Ryan has gone down to the spot, and he is prepared to show the model as it now stands represents with perfect accuracy that which previously it was alleged it did not so represent, namely, the position of the prisoner's house (pointing to the model), which, to a certain extent, was not as correct as I believe it now is. Gentlemen, they passed Higgins's house along the breen—that (pointing to the model), is the direction of Lough Mask. Having gone down the road and effected the service—as I expect you will come to the conclusion he did—at the house of Higgins, but that you will at present only take as my statement—they went on in this (pointing to model) direction, there upon the road shown upon the model. You will see a number of walls laid down here. These are intended to represent the ordinary dry stone walls that everybody knows who has ever been to the west of Ireland as the common fences of the fields, and my friends thought they looked more like stone and lime walls, but they are not; they are simply common dry walls of stones picked off the fields. Having come to this, at the end of the house of Kerrigan, but before they could have turned into that place which is called the street or open yard in front of the house, the bailiff and his grandson were followed by persons coming from behind. One of these was Patrick Higgins (Long), the prisoner, and two others, one a man called Michael Flynn, and the other a man called Thomas Higgins. Michael Flynn and Thomas Higgins are charged in this indictment with this same crime of murder, with the same offence. They are not now on their trial, but the evidence given in the case of course necessarily bears upon their complicity in the crime, as well as that of the prisoner. We are now, however, only dealing with the case of Patrick Higgins (Long), the prisoner at the bar, though it is unavoidable to let in the circumstances of the connexion of the other prisoners. Kerrigan was in his barn at or about the time when Huddy appeared on the road. Kerrigan's wife had been inside the house, and had come out about that time, throwing out some potato water—the woman was as a matter of fact preparing the breakfast for her family, and they had not eaten it. A young lad of ten or twelve years of age, the youngest son of Kerrigan, was also with his father on the spot and those three eyewitnesses then saw what occurred. At the end of Kerrigan's house, Pat Higgins, going behind the old man struck him a blow on the back of the head—either on the back of the neck or some region thereabouts—struck him a blow with a stone which felled him to the ground; that Michael Flynn and Tom Higgins, fired shots into him, and despatched him on the spot. The boy who accompanied him fled in fear and terror in this direction (pointing to the model) to get away from the men who despatched his grandfather. He was followed by Flynn and Higgins, who put or knocked him down and despatched him by shots from a pistol or a revolver, at the end of the breen. I

ask you to bear in mind the position of these two parts of this horrible drama, namely the murder of the old man at the end of the house, and the murder of the young lad at the end of the barn. You will see that in order to reach Kerrigan's they would have been obliged to make an angle, the road sloping just here for convenience of access, and so get in for the purpose of effecting service in that way, or at least they might have done so, or I suppose they could have attained the object they had in view, by getting into the street off the road at this point (pointing to the model). But as a matter of fact, in the case of Kerrigan—and so we are told by him—that service of the process was not effected by Huddy—for Huddy was slaughtered upon the street before he had time to reach Kerrigan's house; he was only at the end of it, on the breen. I do not believe that that will substantially be disputed, because we have the position of the bodies confirmed, not alone by the evidence of Kerrigan, but by that of one of the witnesses who was produced on behalf of Higgins himself. Gentlemen, the crime was a fearful and appalling one. The men Flynn and Higgins—and these will be proved to have used firearms upon the occasion—I do not find to have been themselves concerned in any of the ejectment processes with which Huddy was implicated—so far as I know they were not. But their presence upon that scene when it was known that ejectments were to be served, the nature of the death by which the old man died; the use of the firearms upon the occasion—all show that they had been brought there for the purpose of carrying out the behests of those at whose terrible invitation they attended. The old man had several wounds upon him—as many as five wounds. A bullet wound in the back of the head which pierced his brain, another bullet wound in front of the head, and one at each side of the head. The grandson had either two or three bullet wounds. Undoubtedly what was shown by bullets actually recovered or traced in the bodies was, that there were seven at least—it was clearly enough indicated that there must have been two revolvers engaged in it, because the transaction occurred with lightning rapidity, and there was no time to have loaded a second time, and the evidence will satisfy you that these wounds were inflicted by the revolvers of two persons. But although Michael Flynn and Thomas Higgins who used these weapons did not appear to have been themselves defendants in any of the ejectment processes, yet they live near enough to be perfectly well known to the witnesses who saw them, and who render their identification perfectly clear and distinct. I have mentioned to you Kerrigan, himself, and his wife, and a young boy of some ten or eleven years of age, as being eye witnesses of this murder—that is of Joe Huddy, the murder that you are now trying. The elder son of Kerrigan, a lad of about sixteen or seventeen years of age, had left home that morning for the purpose of bringing a load of turf—I think a donkey load in a cleave—that is a cleave of turf from the bog. The bog lay a considerable distance off in this direction (pointing to model) from the house of the Kynes. I believe it would take, calculating as these county people are in the habit of calculating with no very great nicety, but it would have taken him altogether over about an hour to go, and get a load at the bog and to return from the bog, and he came back from the bog, when old Joe Huddy had been slaughtered upon the road, and just at the very time when young John Huddy was being despatched; and although he did not see the murder of Joe Huddy, he did come in time to see the murder of young Huddy and he saw it and will swear to it. And when you come to consider the defence, that will be probably relied upon in this case, and it is one in which you will give every careful and reasonable attention. The suggestions upon the prisoner's defence to this was that the murder was perpetrated not by Higgins but by Kerrigan, and that Kerrigan's family were implicated in it with him. It comes to be a matter of consideration and a matter of importance, which you will have to weigh, that one of the Kerrigan's family, a lad of mature enough mind to know and observe all that passed, does not allege that he saw that which the other members of his family allege they saw—he says he only came after old Joe Huddy had been killed. It would seem to me that if there had been any concoction in that family to make up a false case that it would be complete if they would all swear to identically the same scene, for inasmuch as the matter occupied such a slight portion of time, it would have been easy enough for him to say he saw both, just as the rest of the family, but he did not; and it will be for you to consider, bearing that circumstance in recollection, whether there is not the intention to tell the truth on the part of the family. Gentlemen, from the nature of the crime, it was, as I have said, manifest that several persons had a hand in it, and it was perfectly manifest that the assassins counted upon impunity for their deed, relying upon that which is known to be a most effective defence, and safeguard, namely—the terrorism which would be exercised over the minds of those who witnessed a crime like this, for it is one of the most terrible circumstances connected with the occurrences which have

disgraced this country, and deluged it with blood—that there have been many eye-witnesses who have yet been utterly afraid to come forward and assist in the administration of justice; although, if they but knew it—if they but knew it—to nothing but a perfectly fearless administration of justice, and assistance to the law, can we look for the removal of this desperate blood stain upon our country. What the Kerrigans have come forward to do is what I take it they ought to have done—to denounce the assassins, and assist the law. Suspicion fell upon Kerrigan himself. It was not unnatural that it should. The precise position of the murder was not known, but there was enough. I am not at liberty to state any of the circumstances in reference to it—to attract suspicion to that neighbourhood, and accordingly suspicion fell upon him with others. He was arrested immediately after the occurrence. There was not sufficient legal testimony to justify his detention, and he was after being brought before the magistrate discharged. He was then re-arrested under the Act which was then in force, and which enabled the Executive to arrest persons who were under suspicion of complicity in crime, and that re-arrest occurred immediately after his first discharge. He remained in custody under that suspicion, until the month of September, when in the month of September he was finally liberated. He was rearrested afterwards in the hope that some evidence might come out against him; none as a matter of fact did come out, and he was finally discharged, I think upon the 25th of September. Gentlemen, he came forward and owing to what circumstances it is not necessary for us to inquire, although those of us who are familiar with the mode in which the law was vindicated and asserted here and elsewhere before that time, may perhaps conjecture—he did come then and tell to the authorities a statement which he will swear to you, and in reference to which you will have the oath of himself, and of three members of his family who will be produced before you. They were the only inmates of the house upon that occasion, with the exception of a little girl, younger than the young boy—who does not seem to have seen or known anything about it. The assassination having been completed, the body of the old man, Joe Huddy, was placed in a turf cleave belonging to Higgins, the prisoner at the bar. It was by Michael Flynn lifted up, and one or other of them hoisted it upon the back of the prisoner, who took it off in the direction of Lough Mask. The body of the lad was placed in a sack, which was brought out of the barn of Kerrigan's house. It was thrust into it head foremost, and then a transaction occurred, the significance of which you will readily enough understand by the desire of the assassins to incriminate as many persons by mixing them up in the transaction as possible. The sack was placed upon the back of young Matthias Kerrigan. He was compelled under threats, the significance of which left no room for any doubt—he was compelled to carry it, as he did, and he proceeded with it in this direction (pointing to the model)—Patrick Higgins (the prisoner), and Michael Flynn, one of the assassins, having gone on with the other body in the first instance. Gentlemen, the shots in the broad daylight, about breakfast hour, in a country which was not, by any means, a desert, but which was inhabited, as a glance at the map will show by many families must necessarily have attracted the attention of a considerable number of persons. A man called Mannion appeared upon the scene, and when young Kerrigan had been compelled to carry the sack with its ghastly contents along that road for some distance, Mannion now appeared, and it was thought desirable that he should be implicated in the transaction also, and the sack was taken off the back of young Kerrigan and was placed upon the back of Mannion, who was compelled to take it, I believe, as far as the corner of Corbett's house, as shown upon the map. A man called Patrick Higgins (Sarah), whom I have already named to you, was coming at that time, it is said, from the bog—at any rate he was coming in this direction down along the road, and he overtook the party about the time that Mannion, I believe, sank under the burden, or was tripped—whether accidentally or intentionally, I am not quite sure—at or near Corbett's house, and the corpse was placed, and the sack, on the back of Patrick Higgins (Sarah), who left with it, and proceeded in the direction of the lough. I do not know that we shall be in a position to give you any further proof as to the particular or precise transactions that occurred upon that morning. There can be no doubt, whatever, that through a district which was inhabited either by sympathizers, or by persons who were intimidated by the terrorism that there was at that time through the country—the assassins went with perfect impunity to the shores of Lough Mask—there can be no doubt that at some point or other they got a boat. And when they got there rowed out, and so that the couple of corpses might sink in deep water a stone or stones were placed in the sack with the body of the lad, and a stone or stones were attached to the legs of the old man, and both of them were sunk where it was hoped they would remain hidden and unsuspected.

Such a frightful tragedy occurring in any country of course excited at once the horrified attention of the authorities and of everybody resident there, except those implicated in the terror of this crime, and accordingly search was immediately made for these Huddys. It was known that they had gone upon an errand of extreme danger: it was known that they should have returned; they should have been seen, when they absolutely disappeared, upon the 3rd of January. Every search being made for the bodies, and they not being found, it was concluded that they must be found if at all in the lake, and after all other means were exhausted, a gun boat, called the *Valorous*, was brought across the country with some considerable difficulty, and was set to the work of dragging for their bodies, and on the 27th they were found. They were found in the condition in which I have described them, with these bullet wounds upon them, with a livid mark upon the body of the old man, and to which at the time of course no particular attention was attracted, because that was the 27th January, and it was not until the end of September last that the authorities knew any particulars whatever as to the precise mode of their assassination. There was abundantly—there was sufficient evidence of the cause of death upon the corpse to prevent any inquiry with regard to that livid mark. Whether it was or was not caused by the blow of the stone inflicted by the prisoner, will appear to you to be of comparatively little importance. It was consistent, equally, one way or other with the case made then or afterwards. It is consistent with the account given by the Kerrigans, but, indeed, having regard to the lightning rapidity with which this transaction took place, the suddenness of the assassination, it is not a matter for great wonder, especially when one was not looking for it, that there were not discovered more defined traces of that injury. Gentlemen, the witnesses we shall call before you will consist of course mainly of the Kerrigans. You will attend to their evidence, as I am sure you will do to every part of the case, with the greatest care. There is a difficulty of course, often very great difficulty, on the part of the Crown in obtaining full information with regard to this transaction. Sometimes witnesses do not come up to what they have already stated. Sometimes there is a perhaps natural reluctance to implicate a neighbour and friend, but it is the business of jurors, of men of clear and cool heads, to scan, see through information of that kind, and to come at the truth. I already mentioned to you the case of the persons named Halloran. These Hallorans, father and son, lived, though at no very great distance, yet at the other side of a rising ground. They were engaged at some agricultural work, threshing corn, or something of that kind was going on, and they heard shots. The account that they give is that they proceeded to finish that which they had in hands, and they came forward to a point from which they could obtain a view, and from that point, I think the corner of their garden, they both saw in a brief glance, hearing shots coming from that direction, and the Huddys being expected there, they did not long dwell upon the scene. They saw in a brief glance men upon the road whom they did not identify, but they did identify one man—one man whom they both saw—and that man was Patrick Higgins (Long), the prisoner at the bar. They do not place him at the moment at the actual scene of the crime—of course some time elapsed from the time that they heard the shots and the time they came down, but they did see Pat Higgins (Long), and that evidence, whether given freely or otherwise, will satisfy you beyond all doubt that there he was on that morning on the very scene of this transaction. When he comes to ask you through his counsel, to believe that Huddy did not effect the service of the writ upon him at all, you will consider whether that is a credible or probable tale. Gentlemen, Mannion who is compelled to put his hand to this black work after it is accomplished, Mannion upon whom was laid the corpse of this young man—will tell you whom he saw there. He does not identify the prisoner at the bar; why does he not identify Flynn? For this reason, that they had both of them gone with the body of the old man; his place was in the rear part of that ghastly cortege; but he proves the presence of Thomas Higgins, and in that corroborates to the letter, and in the most striking way, the evidence of the Kerrigans, of whom not one was present except young Matthias Kerrigan, who was compelled to go with the body along the road. Another witness, a young boy, named Mannion also, who was present on that occasion, but who saw nothing of the murder, will tell you that upon that morning, about breakfast time—probably just before the transaction occurred—he will show you that he was met by Michael Flynn, with whom he had a conversation. I cannot upon this trial, which is the trial of Higgins, I cannot tell to you or indicate to you what that conversation was, but the fact that he had a conversation with him—whilst all the details which the evidence as against Flynn himself if he was on his trial—the fact of his having had a conversation with Flynn is evidence against the prisoner. And the fact appears to me to be vitally important in this way. It cannot be suggested that after having had a conversation with a man whom he knew, that he could possibly

be mistaken about his identity. And he is an unimpeached witness upon whose evidence there is no impeachment thrown. He will put Michael Flynn upon that road immediately before the murders. Now, gentlemen, when the body was discovered and brought to the surface, it was taken to an island in Lough Mask, not laid down upon that map, and it was there seen and examined, as was their duty, by the police. It was found in the position in which it had sunk originally in the lake. The body was a little decomposed, a number of documents were found on the body of the old man. I must mention these to you with some clearness and distinctness, if only to satisfy you that but little evidence can be produced in the case for the discovery of these documents, but that what little there is is of very serious and terrible import as against the prisoner. Gentlemen, there were found on the body, and will be produced before you, in two pockets of an under coat, which was partly covered by an overcoat, six documents. Three were original civil bill processes—three were copies. Now, of course we all know that a process server, who has to serve processes, must have with him the original and copy, or copies, because if there are several defendants he needs a copy for each defendant, but need have only one original. The original is stamped with a two shillings and sixpenny stamp, the copy with a sixpenny stamp. There were found on the body three original processes. One was addressed to Pat Comar (Mark). Now, you will recollect that I said one of the witnesses examined would be Mrs. Walsh who resided with her mother, Bridget Comar, and that she was served that morning with a process for Bridget Comar. Now one of the originals was addressed to Pat Comar (Mark), and you will see that the finding of the original does not in any degree account for the documents with reference to the service for Bridget Comar. Another original was addressed to Matthias Kerrigan, the man at the corner of whose house the murder took place. The third was addressed to a man called Thomas Hyland. There were three copies found. One was a copy of a process addressed to a man called Pat Kyne, another to a man called Luke Kyne, and they were further down that boreen, proving that Huddy, having the documents to serve upon them, never lived to reach them for the purpose of effecting service. But the striking fact about that is that neither original nor copy of any documents addressed to Bridget Walsh or Mrs. Comar, who were undoubtedly served, was found, that no document, either original or copy with reference to Patrick Moran was found, although in both cases he must have had some documents with him which he should not have parted with. No documents were found bearing the address of Patrick Higgins (Long). No copy was found addressed to Kerrigan. These circumstances, which would, of course, be consistent with his having served it if you believe that, would also be consistent with his having it in his hand when he was approaching the house for the purpose of serving it, or of its being removed afterwards in the hasty search which undoubtedly took place. Gentlemen, the absence of the document, original or copy, addressed to the prisoner does not of itself conclusively prove that he was served upon that occasion, but it certainly is a very striking circumstance that the original was not left upon him which he had gone there for the purpose of affecting, and which there was absolutely no reason he should not have affected, being a duty which he had to perform on that the last day upon which it could be served. Whether he served the prisoner or did not serve him would not appear to be a matter absolutely conclusive in the case, but it does appear to me to throw a strong light upon it, when you consider the defence made by a member of the family of that man, a daughter of the prisoner. That is a matter which you will deal with when you come to consider the evidence. Now, taking into consideration all the circumstances of the case, the nature of the crime itself, the arms used, the number of persons in it, it is perfectly clear that that crime could not have been done by Kerrigan and his family alone. Such a theory is contrary to all experience, yet the case on the part of the prisoner will be, not that it was done by Kerrigan in combination with others, but as a matter of fact by the Kerrigans, the husband and wife and young children: that Thomas Higgin was not there, that Michael Flynn was not there, that no one but the Kerrigans was there, and that they did it, and they disposed of these bodies, and disposed of them in that way, without assistance from any external source. Gentlemen, it will be for you to consider that I have now done the duty which devolves upon me at present. I do not ask you to draw any hasty conclusion against the prisoner, but I do appeal to you to exercise your own judgment upon this case. If the evidence given to you leaves reasonable grounds for real doubt, whether the prisoner had anything to do with the murder, if you think this is a point of reasonable doubt, he is clearly entitled to the benefit of that doubt, but if the evidence absolutely leaves no doubt upon your minds of the case when it is proved, and the evidence for the defence is concluded, appears to your judgment to be as clear as any case ever brought into a court of justice, I feel confident that you will not hesitate to do that duty which devolves upon you, by the obligation which you owe to the society

in which you live ; by your obligation to yourselves, and by the obligation to the higher power which you owe by being empanelled in that box.

John Henry Ryan, sworn, and examined by Mr. MURPHY, Q.C.

Mr. Ryan, you are a Civil Engineer, residing in Dublin ?—I am.

You visited this district, on the shores of Lough Mask, called Cloughbrack ?—I did.

And you made this large map, copies of which are before the jury ?—I did.

Did you accurately represent those districts called Upper, Lower, and Middle Lough Mask ?—They represent those places.

Have you put on this map the house down here, where a woman named Mary Walsh resides ?—Yes ; I put the name of Connor also.

I believe the distance from that up to Moran's house, you have given us before—so many yards ?—Yes, about half a mile.

From Moran's house you can strike to the main road ?—Yes ; it is about a quarter of a mile.

And you could strike here to the Cornamona-road ?—Yes, about 300 yards.

Now, come along that road to Mackin's house where the boreen starts ?—It is about 500 yards.

And from that to Kerrigan's is about what distance ?—225 yards.

Then you have represented the place where Kyne lives ?—I have.

And where Halloran lives ?—Yes, Halloran's house is on a hill over Kerrigan's house.

And from what point from Halloran's house could you get a view of Kerrigan's house ?—At a point about 75 yards, represented by a little spot.

Mr. Justice O'BRIEN.—And how far is that point from Kerrigan's own house ?—I have not that accurately.

About ?—It is nearly half way.

Mr. *Murphy*.—It is nearly equal distance between the houses. (To witness)—You made that model ?—Yes.

Does this portion accurately represent the curvature of this boreen ?—It very closely represents the boreen as it occurs.

Are these dry loose walls ?—Yes, no mortar whatever.

What is the width of Kerrigan's house at this end ?—About sixteen feet ?

And what is the width of this place that they call Kerrigan's-street ?—Twenty-nine feet.

Now, does this accurately represent the position of the prisoner's house ?—Yes.

There is no house intervening ?—No.

That is a little boreen ?—Yes.

And is the entrance to the house this way ?—Yes.

Now, what part of the boreen do you see from this point here ?—I noticed it particularly yesterday. You see it over towards this point here.

And this part would be obscured from view ?—A person there could not be seen on account of the wall.

A person standing up here would have a view of the boreen all along ?—He would.

What part of the boreen do you see from Halloran's ?—(Witness indicates part on the map).

Cross-examined by Mr. ADAMS.

I see the wall here leading to the hollow is very low ?—Yes, it is.

Almost non-existent I suppose ?—A person could step out there.

Into the road ?—Yes.

The house was wrong before, I believe. It turned round in an entirely different direction ?—Yes, it is quite right now.

Mr. Justice O'BRIEN.—You will understand that by the word street in that part of the country it is not meant to indicate the road, but that space which is between the house here and the barn.

Mr. *Adams*.—Does "the street" include the space in front of the house ?—No, I asked that question yesterday ; it only includes the space between the two houses.

William Henry Goode sworn, and examined by the SOLICITOR-GENERAL.

Are you in the office of Burke and Darly ?—Yes.

Are they agents of Lord Ardilaun ?—Yes.

Did you know Joe Huddy ?—Yes.

Was he the estate bailiff ?—Yes.

Do you recollect in the end of December last giving him any documents for service ?—Yes.

Do you know this townland of Cloughbrack?—Yes.
 Is it the property of Lord Ardilaun?—Yes.
 Do you know Patrick Higgins (Long)?—Yes.
 To be a tenant of Lord Ardilaun?—Yes.
 Do you know Matthias Kerrigan?—Yes.
 Is he a tenant also?—Yes.
 Do you know a woman named Bridget Comar?—Yes.
 Is she a tenant also?—Yes.
 Do you know Patrick Comar (Mark)?—I know there is a man of that name.

Is he a tenant on that estate?—Yes.
 Are there people of the name of Patrick Macken, Martin Kyne, and Pat Kyne?—The two last are undertenants in respect of the first.

Do you recollect in December last that you gave ejectment processes to Huddy for service?—Yes.

Can you tell us what these processes were?

Mr. *Teeling*.—I object, my lord, to this question.

Mr. Justice O'BRIEN.—What is the question.

Mr. *Teeling*.—The question is, does he recollect giving ejectment processes in last December to Huddy. I respectfully submit, that no matter how he answers that question, it cannot be evidence against my client.

Mr. Justice O'BRIEN.—Did you give a number of law papers of any kind?

Mr. *Teeling*.—The ground of my objection is this. The character of the document is defined, and it is proposed to describe the character of the document, without the production of the document itself.

The *Solicitor-General*.—I apprehend it is clearly evidence to prove what property was given this man.

Mr. *Teeling*.—It is not relevant to the enquiry we are engaged in.

Mr. Justice O'BRIEN.—He is entitled to ask him—did he give him a number of ejectment processes for service.

The *Solicitor-General*.—Did he get a number of ejectment processes?—Yes.

And was it his duty to serve these processes?—Yes.

When did you last see him alone?—I cannot fix the exact date.

That is the original for service [handing to witness] for a man called Hyland?—Yes.

Mr. *Teeling*.—Does your lordship stand this; it is an entirely different question from the last. This is a particular case. I submit that to prove that an ejectment against a man named Hyland was given on that day is not relevant to this enquiry.

Mr. Justice O'BRIEN.—To ascertain, as a matter of fact, was the document found on the body of the man, the document which was given to him.

Mr. *Teeling*.—We have yet no proof at all that they were so found on the body.

Mr. Justice O'BRIEN.—We will see by and bye that they were.

The *Solicitor-General* (to witness).—Did you give that piece of paper to the deceased?—I did.

Mr. *Teeling*.—That is the question I object to.

Mr. Justice O'BRIEN.—Well, I rule against the objection.

Mr. *Teeling* (to witness).—When you say believe, beyond your belief have you any recollection?—Yes, I have a distinct recollection.

When you say one against Hyland, do you mean an ejectment?—I say an ejectment against Hyland.

Where did you give it to him?—In the office.

The *Solicitor-General*.—This is very irregular. (To the witness).—Do you recognise that?—Yes.

Did you give him that?—Yes.

Mr. Justice O'BRIEN.—Which of them is it?

The *Solicitor-General*.—It is against Pat Comar (Mark).

Mr. *Teeling*.—I object to this, on similar ground.

The *Solicitor-General*.—Did you give him that?—I believe I did.

And that?—Yes.

Mr. Justice O'BRIEN.—What is that?

The *Solicitor-General*.—This is against Martin and Pat Kyne. (To witness).—Did you give him that also?—Yes.

Mr. Justice O'BRIEN.—What is it?

The *Solicitor-General*.—That is Martin Kyne and Luke Kyne. (To witness).—These are six documents?—Yes.

Did you give him others?—Yes, a number of others.

You have mentioned Bridget Comar. Did you give him an ejectment process to be served upon her?—Yes, I gave him the original and two copies.

Patrick Moran?—Yes, original and copy.

Patrick Higgins (Long), the prisoner?—I gave him the original and copy in that case also.

Do you know a man called Patrick Conroy in Middle Cloughbrack?—I do not know him.

Is there a man, a tenant of that name in Middle Cloughbrack?—Yes, and Martin Courroy.

Did you give him ejectment processes against them?—Yes; originals and copies.

Cross-examined by Mr. TEELING, Q.C.

What is the document you have in your hand?—It is the original of the instructions that I sent to the solicitor to prepare these—prepared by myself.

Tell me this, if you please. Matthias Kerrigan was a tenant of Lord Ardilaun's?—Yes.

And how much rent did he owe?—Three and a-half years.

At that time?—Yes.

Very well, Mr. Goode, that is all I have to ask you. I presume that in Matthias Kerrigan's case you did what you say you did, in every case you gave the original, and copy to be served upon him?—Most certainly.

The *Solicitor-General*.—Was that about the average amount of arrears owed by those persons who were to be served; how much did Patrick Higgins owe?—About the same

Mr. *Teeling*.—How much was the yearly rent of Matthias Kerrigan?—£3 17s. 10d.

The *Solicitor-General*.—How much was the rent of Patrick Comar (Mark)?

Mr. *Teeling*.—I object.

Mr. Justice O'BRIEN.—It is not relevant,

Mr. *Murphy*.—As matters of fact, we would be entitled to go into the rents of all the tenants on the estate, provided that anything turned upon it.

Mr. Justice O'BRIEN.—Provided that anything turned upon it, but there does not.

Mr. *Teeling*.—My objection is only made to such an inquiry at the present stage.

Thomas Huddy, sworn, and examined by Mr. MURPHY, Q.C.

Was Joe Huddy your father?—Yes, sir.

And had you a little boy, a nephew of his, named John Huddy?—Yes, sir.

Was Joe Huddy, your father, a tolerably old man?—Yes.

About what age?—About 70 years of age.

And the young boy?—About 15 or 16 years of age.

Do you recollect did he live in the same house with you?—Yes, sir.

At Crieavagh?—Yes.

How far is Crieavagh from Cloughbrack?—About eight or nine miles.

Do you recollect the last morning you ever saw him or heard him speak?—I do.

Do you recollect his getting up that morning?—I did not see him getting up, but I heard his voice in the kitchen.

Did you hear a car going away from the place?—I heard the noise of a car from the end of the barn.

Did you hear the voice of the young nephew that morning?—I did.

And that was the last you ever heard of them—the last time you ever heard their voices?—It was, sir.

You heard a car go away from the end of the barn?—Yes, in my opinion it was the noise of a car.

You never got in his house at Cloughbrack any of the papers?—No.

Did you see the bodies of your father and your little nephew afterwards?—I did; in the Courthouse at Clonbur.

It was after they were taken out of the lake?—It was, sir.

Was it on the same day, the 27th of January, or the day after?—Both the day they were found and the day after.

Cross-examined by Mr. ADAMS.

How far is it from Clonbur to Cloughbrack?—8 or 9 miles.

Irish miles, I suppose?—Yes.

All the miles in that part of the country are Irish miles, I suppose?—Yes.

All right; that will be useful.

Mary Walsh, an Irish-speaking witness, sworn, and examined through the Interpreter, by the *Solicitor-General*.

Are you the wife of John Walsh of Cloughbrack?—Yes, sir.

Did he and you live with your mother?—Yes, sir.

What is your mother's name?—Bridget Comar.

Is she a widow?—She is.

A tenant of Lord Ardilaun?—She is.

Did she know Joe Huddy?—She did.

Do you remember his going to the house in January last?—She remembers him going to the house on the day he was passing with ejectments.

Did she ever see him alive after that time?—She did not.

Did he serve the ejectment?—He did.

On herself?—Upon her mother.

She saw him?—He gave a little piece of paper like that, she believes, a copy to herself and a copy to her mother.

Did she see anybody with Joe Huddy?—A boy.

Does she know in what direction they went after leaving her house?—She does not know for she was sick in bed.

She had been sick for some time I believe?—She was sick, up and down, from the 1st May to St. Bridget's.

Was it in the morning that this took place?—Yes, in the morning.

Cross-examined by Mr. TEELING,

Now, just ask her about what time Huddy came that morning?—She begs your pardon, gentlemen, she could not tell the time because she was sick in bed.

Now, ask her whether her mother and husband were in the house at the time?—They were both absent from the Monday morning previous until Tuesday evening.

Now, ask her were they absent at the wake of a man named Joseph Joyce?—They were.

And how far did Joseph Joyce live, when he was alive, from her place?—If she went the road about five miles.

Then, ask her was there any other person in the house that morning except herself—I mean before Huddy came?—None but a child two years old.

Ask her, does she know where the funeral of Joyce was to take place from that day?—They thought he would be buried on Monday, but he was not buried until Tuesday.

The *Solicitor-General*.—Was it on the Tuesday that Joe Huddy served the ejectments?—On the Tuesday.

She thinks that place is five miles by the road—if she went across the country?—It is an ugly hole; a few men goes that way. She never went that way; it is a nasty way.

Mr. *Teeling*.—It is a short way?—She never went it.

Why?—It is not easy to go. She never went it.

Catherine Moran sworn, and examined by Mr. MURPHY, Q.C.

Now, you are sworn to tell the truth?—Yes.

Do you recollect being sworn in Galway to tell the truth?—I do, your honour.

Before that gentleman there (Mr. Bolton)?—I cannot say that I know, but one gentleman.

Mr. *Adams*.—How is this evidence?

Mr. Justice O'BRIEN.—If he asks liberty to cross-examine the witness, I'll give it at least a little later on. You have a perfect right to ask the question whether she was sworn in Galway.

Mr. *Murphy*.—The question is whether it is a fact—whether it is of importance does not signify—but that it is legal evidence there can be no doubt. (To witness).—Did you tell the truth then?—I did, your honour.

Very well. Now, your husband was a tenant of Lord Ardilaun?—He was, your honour.

Do you remember, on the Tuesday morning, Joe Huddy coming to your house?—I cannot tell what day, but I know I was served with a process.

You looked at it, I suppose?—I did not. I could not read it at all.

What day of the week was it, do you know?—Indeed I do not know.

You do not know?—I do not remember what day of the week it was.

Was it a holiday?—I do not think it was.

Were you going to mass that day?—No, I was not going to mass, and I did not go to mass. I do not know was it a holiday or not, but I do not think it was.

You were not going to mass?—I did not. I do not know was it a holiday, but I think it was not.

Did you see any little boy with him—with Joe Huddy?—I did not, but when he went out he spoke outside my door. I partly understood it was some one with him.

Did you partly understand that it was the little boy that was with him?—No; I cannot say.

Cannot say?—I cannot say.

Did you ever swear there was a boy with him?—I never swore there was a boy with him.

Did you ever swear that there was some one with him?—Yes, I did, and that he spoke to some one outside my door.

Did you swear on the last day when you were examined here, that you were going to mass that day?—I did not, your honour.

Was what you swore at Galway taken down by a gentleman?—I saw them taken down.

Was it afterwards read for you?—It was read for the gentlemen who were there.

It was?—Yes, for the gentlemen; but I did not listen.

You did not listen?—No, I did not mind.

And did you afterwards put your name to it, after it was read?—I signed my name to it.

After it was read to you?—Well, I cannot say.

Do you recollect what it was that you swore there?—I do, your honour.

Did you swear on the morning of the murder of the Huddys “Joe Huddy served me with an ejectment.” Did you swear that?—I did, your honour.

That is quite correct?—It is.

And was that read out for you after you swore it?—It was read, but I suppose it must be what I said was read.

When it was read for you didn’t you perceive that it was what you said was read?—I did not notice for myself. He did not turn to me and read it for me. He did not, sir.

Was that read for you?—It was not read for me more than for others.

And you were listening?—I was listening all the while.

Didn’t you know they were reading to you all you had said to them?—I could not say, but I part guessed it was what I had said.

Did they read that for you?—“On the morning of the murder of the Huddys Joe Huddy served me with an ejectment”?—If they did they read the truth.

By Lord Ardilaun against your husband?—Yes, your honour.

That was what you told them?—Yes.

There was a boy with him?—I did not swear to the boy being with him at all.

But there may have been one?—I swore when he went out he spoke to some one outside and not to any of my people.

This was early in the morning?—Yes, I call it early up to twelve o’clock, or until one o’clock.

Or until one o’clock?—Because I don’t know the exact hour.

But in order to go near it you call it early up to one o’clock and you might up to two o’clock?—Well, I don’t say that.

Do you call it early before breakfast?—I call that too early.

Then if you told that you would say it was too early?—Yes, to be certain.

Whether you call it early up to one o’clock you told them it was early in the morning?—I told them it was in the morning.

But when you would call it early in the morning up to one o’clock, did you tell them it was early in the morning?—It was in the morning.

Did you tell them it was early in the morning?—I did not.

Listen to me now—then you swear you did not say it was early in the morning?—I did not.

Though you would call it early in the morning up to one o’clock?—Well, perhaps I would, sir, but I cannot say.

Would you call it early in the morning up to twelve o’clock?—I would.

Then why didn’t you tell it was early in the morning?—I said it was in the morning.

You said it was in the morning?—Early in the morning.

You did say that?—Yes.

Mr. *Adams*.—Do you know why that gentleman is so cross with you?—I do not, sir.

Mr. *Adams*.—Nor I.

Mr. *Murphy*.—Do not be making miserable jokes in a matter like this—trying to extract the truth from the witness.

Mr. *Adams*.—Every one has his own opinion about his jokes.

Mr. Justice O’BRIEN.—“She passed remark there was a young boy with him.” (To witness)—Did you say on the last day that you passed the remark that there was a little boy with him?—On account of the talk outside.

How did you know it was a boy was with him?—My hearing it since there was a boy with him.

Did you say at the time Huddy was at your house you passed the remark there was a boy with him?—Well, I could not say there was a boy with him at any time, but I heard there was since.

Mr. *Murphy*.—If your lordship goes on a few sentences you will see

"It was early in the morning." Did you say that?—I passed a remark "there was a boy with him." "Did he go in?—He did not."

Mr. Justice O'BRIEN.—"He did not go in, I passed the remark of his being with him."

Mr. *Murphy* (reads).—"It was early in the morning. Did you say that?—I had my breakfast. I had neither clock nor watch, but I——" I don't like to read the rest, because this is the shorthand writer's notes—She said, "I was going to Mass."

A *Juror* (Mr. Russell).—How far is your house from the chapel, when you were going to Mass?

Mr. Justice O'BRIEN.—She left, Mr. Russell, under the impression that she was going to Mass, and that is how he came to ask the question.

Mr. *Murphy*.—That is the way it is in the evidence.

Mr. Justice O'BRIEN.—In her direct examination, she says—"I think he had a boy with him, but I cannot swear he had."

James Flynn sworn, and examined by the SOLICITOR-GENERAL (interpreted).

Ask him where he lives?—Cloughbraek.

Does he know the main road from Clonbur to Glentrea?—He does.

That is the Clonbur road—does he live near that?—He does.

Does he know Joe Huddy?—He had known him.

Does he remember the Tuesday in the beginning of January, seeing Joe Huddy on the road?—He does not know about the date, but he remembers seeing Joe Huddy on the road.

Was that the last time Joe Huddy was there alive?—He heard it was the last day he was seen alive.

Mr. *Adams*.—Don't mind what he heard.

Mr. *Murphy*.—It is perfectly right.

Mr. Justice O'BRIEN.—He can say it was the last day he heard of him alive. Ask him was it the last day he heard of him being alive?—He saw men going to look for him the day after.

Mr. *Murphy*.—Did he see the police going to look for him?—It was the day he did see them going to look for him.

Had he got his breakfast at the time?—He had.

Had he just finished his breakfast?—Yes, his breakfast was eaten and he was just going to leave home.

Was he going to leave home early that morning for any particular reason?—It was not too early.

Was he leaving home that morning for any place?—He was going from home two miles off to a tailor to make clothes, and he was not home until it was dark night.

The tailor lived some distance off?—Two miles.

Where was Huddy at the time he saw him?—He saw him going about the road.

Does he know the boreen that leads down to Higgins's?—He does. He did not see him going that way.

How far was he from the turn of that boreen when he saw him?—He was about a mile—near a mile.

Where was he himself—was he at his own door?—When he went a bit out from his own house it was then he saw Huddy.

Where was Huddy, and where was he going to?—He was going back that road.

Does he know John Macken's?—He does.

Whereabouts was it—was it near Macken's?—It was near a mile from where he saw him to Macken's house.

Was it nearer Clonbur?—Nearer to Macken's.

Was it on the Clonbur side of Macken's—beyond Macken's?—That is not the Clonbur side.

Was it between his own house and Macken's he saw him?—Yes.

Cross-examined by Mr. TEELING.

Ask him what the name of the tailor was?—James Brannagan.

He lived two Irish miles away?—He does not know whether it is Irish or English.

Matthias Kerrigan sworn, and examined by Mr. *MURPHY*, Q.C. (interpreted.)

Is he a tenant of Lord Ardilaun?—He is.

Is his wife's name Bridget?—Yes.

What are the names of his two sons?—Matthias and Martin.

What is the age of the elder of them—Matthias?—He is fifteen years of age last harvest.

How old is the other—Martin?—Eleven last harvest.

He has two daughters?—He has.

Is Bridget the name of the elder?—Yes.

Was she away in service in January last?—She was.

How old is the little girl, Mary?—Ten years, next St. Stephen's day.

Did he know old Joe Huddy?—He did.

Did he know his grandson named John?—He did not know him at all that day.

What was the last day he saw Joe Huddy alive?—The day after little Christmas day.

Mr. *Murphy*.—That is wrong.

Mr. Justice O'BRIEN.—Little Christmas is twelve days after Christmas, and how is that the 3rd of January?

Mr. *Murphy*.—What day of the week was it he saw him alive?—He believes Tuesday.

Mr. Justice O'BRIEN.—That was the 3rd.

Mr. *Murphy*.—Was there anyone with Huddy when he saw him first that day?—The boy.

Ask him where he himself was when he first saw Joe Huddy and the little boy?—At the door of his barn.

Ask him was it in the morning?—In the morning.

Had he his breakfast taken at the time?—He had not.

Where had his son Matthias gone that morning?—For a load of turf.

In what direction did he see Joe Huddy and the boy going?—They came from the house of Pat Higgins.

I asked you what direction they came from?—He says they came from the direction of Pat Higgins' house.

Did he see anything done to Joe Huddy?—He did; he saw Pat Higgins strike him with a stone on the poll of the head.

Where was Joe Huddy at the time he was struck?—He was standing on the breen at the corner of his house.

Was it at the corner next to him—the witness?—At the corner of his house (points out the place on the model).

After Joe Huddy was struck did he fall?—He did; he fell in against the wall.

When he was struck with a stone, was the stone flung at him, or did the man keep the stone in his hand?—He was very close to him, and he believes he kept the stone in his hand.

After he was knocked down on the ground, did he see anything?—He gave him two kicks.

Is the Pat Higgins who knocked him down, the prisoner here?—That is the man that knocked him down; certainly.

Did he see any other persons do anything to him when he saw him on the ground?—He did.

Who were the other persons?—Michael Flynn and Thomas Higgins.

What did he see them do?—He saw them put shots into him.

What did the little boy do when the old man was knocked down?—He ran.

Did anyone run after him?—Michael Flynn did.

Did he overtake him?—He did at the corner of the barn.

What did he do to him when he overtook him?—He caught him by the collar, as he describes there, and knocked him on the road on his nose.

Was anything done to him when he was down on the road?—Higgins put shots into him—Thomas Higgins.

What is the exact expression?—He is not quite certain whether one or two shots went into him.

After they were both shot dead did he see his son Matthias?—The son Matthias came up when they were killing the boy.

Where was the wife at this time, ask him?—She was inside in the house going in and out, going to get breakfast.

But at the time Joe Huddy was knocked down did he see where she was?—She was outside pouring out water in the street.

Water of what—was it water of potatoes?—That he is not certain what water, but she was putting water out.

Did he see his own little boy, Martin, when they were shooting him?—He was going between the two houses with a basket to his father.

That is out to him?—Yes, sir.

What was done with the body of Joe Huddy after he was shot?—They put it down in the basket.

Who put it into the basket?—This man—pointing to the prisoner—and Michael Flynn.

When his son came up, did Thomas Higgins say anything to him?—He did.

What did he say to him?—Stand out here and take this awhile with you on the road.

What was done with the body of the boy—was it put into anything?—They put him into the bag.

Where did they get the bag?—In his house—in witness's house.

Where was it in the house?—Inside in the house, in the corner of the loft, behind the door.

Mr. *Daly*.—I beg your pardon, that is not what he said.

Mr. Justice O'BRIEN.—You must not interpret the interpreter—instruct your counsel.

Interpreter.—He states it was inside his house, in the corner of the loft.

Mr. *Murphy*.—What does he call the loft?—The loft inside the house. He describes it as a beam across this way and a beam across that way, and boarded over.

Where was the sack in that place?—It was inside in the corner; a couple of them were thrown there.

Who was it brought the sack out?—This man (pointing to the prisoner).

Who put the body on the son's back?—Thomas Higgins.

In what direction were the bodies taken?—They went down the fall of the prisoner's house.

Did he leave his own place with them at all?—Not his street.

Did his wife go with them at all?—No, indeed. She did not.

Did his little boy, Martin?—No.

How long was Matthias away before he came back?—To the best of his judgment, about a half or three-quarters of an hour.

Before Joe Huddy was killed that day had Joe Huddy given him any paper or served any ejectment on him?—He did not for certain.

Cross-examined by Mr. TEELING.

Will you ask him whether he is not a tenant of Lord Ardilaun?—He said he was.

Would you ask him again how much land he has from his lordship?—He doesn't know how many acres he holds.

What rent does he pay?—He has to pay £4 a year to his honour.

Except that £4 worth of land, had he at this time any other means in the world to live on?—No other means since the day he got it.

On this day how much rent did he owe?—He is not sure whether two or two and a half years, or three and a half?—He cannot say which; he paid his rent, since the first day he got it, to his master.

Had he been told, or had he heard from his wife, that Mr. Burke, land agent, had said that a process of ejectment must be served upon him?—He had heard it—his wife was before Mr. Burke, and heard it from him.

How long was that before 3rd January when Huddy was murdered?—He cannot answer that; he cannot keep accounts.

Did he expect Huddy to serve him with an ejectment?—His wife told him he was coming, but he did not know what day he was coming.

Was he expecting him?—I asked him that.

What does he say to that?—He knew he was to come.

Did he know that the day on which Huddy was murdered was the last day for serving processes for the Oughterard sessions?—No, he did not know whether it was or not.

Did he believe it was the last day, if he did not know it absolutely?—He could not keep an account for a month, a week, or a quarter.

Does he swear on his solemn oath that he did not know what time the Oughterard sessions were to be?—No, nor for the last twelve years he did not know what day the sessions would be, except he would hear it from some one else.

Is that as true as everything else he has sworn?—The same ease.

Ask him was he arrested on the night of the murder charged as having committed it himself?—He was surely, and put in.

Where was he put in first?—The Fairhill barracks, Clonbur.

How long was he in the barracks, at Clonbur, charged with the murder of Huddy?—Three days and three nights.

Was he brought before the magistrates upon the charge?—They did not.

Was he brought before them charged with the murder?—He was before the magistrates at his own house when he was taken.

Was he discharged at that time by the magistrates because there was no evidence?—He was not let out from that until he was put into Galway jail.

Was he brought before the magistrates?—He says he was not.

Mr. Justice O'BRIEN.—He says the magistrate was brought before him.

Interpreter.—There were magistrates in court by him.

Mr. *Teeling*.—Ask him at the end of the three days he spent in Clonbur was he taken as prisoner to Galway jail, charged as the murderer?—He was then put into Galway jail certainly.

What was he charged with when he was put into Galway jail?—With this crime

With the murder of the Huddys?—He says it was.

How long did he remain in Galway jail?—Three quarters—nine months.

Was he discharged from jail, and then immediately re-arrested at the end of the nine months?—Yes.

When he was re-arrested what was he again charged with?—With the very same case—because he did not tell the story until the day he was let out.

On what day was he finally discharged from jail at Galway?—Eleven weeks to-night.

That is the 24th or 25th September. Were the other persons who were charged with the murder let out of Galway jail three weeks before he was let out of it?—No; weren't they in Kilmainham and every other jail, except he remained a few days after them.

When he says a few days, how many days did he stay behind?—He cannot say how many days.

When did he first give in any information to the police of the story he has told here to-day?—Eleven weeks this night, in Galway jail, before these gentlemen's honours.

In Galway jail?—In Galway jail.

Then it was after making this statement for the first time, eleven weeks ago, that he was let out of Galway jail?—They took him out of it then.

With whom was he residing before he came up for this trial?—Down in a house in Galway.

How long had he been residing there before he came up here?—Ten weeks.

Ask him who did the sack belong to that the dead body of Huddy was carried away in?—Out of his own house this man took it, and he says didn't he tell you that before.

When the sack was taken out by the prisoner at the bar did he, Kerrigan, go into the house with him to get the sack?—He did not.

Then the prisoner went into the house by himself?—He went into the house by himself from where the people were murdered.

Now ask him whose was the cleave in which their bodies were carried away?—He does not know who owns it, but to see it on the road.

Had he at any time any cleave belonging to himself?—His son had the baskets. His son had his baskets going for the turf, and he had no other basket but a small basket you could put a stone or so of potatoes into.

Ask him hadn't his son come back with the turf before the bodies were carried away?—He had.

Now, will he swear upon his solemn oath again that the cleave in which the body was carried away did not belong to him or his son?—Yes, and he can thank God honestly.

Will you ask him why was he arrested?—He doesn't know, except because this work was done at the back of his house.

Ask him on his solemn oath did he murder the Huddys or either of them?—On his oath he did not, nor any one on earth since he was born.

Had either of his sons before that day anything to say to the murder of these people?—No, no more than that table there.

Ask him is that as true as what he has sworn when he said he was not served with the ejectment on that day?—That is as true, and he did not serve him.

Mr. *Murphy*.—Ask him whether after they took the bodies down the boren and his son went out with them, he saw any man going down the boren past his own house?—He did.

Who was that man?—Another Pat Higgins.

Is that Pat Higgins (Sarah)?—Yes.

Mr. Justice O'BRIEN.—That is an original question.

Mr. *Murphy*.—Yes, I should have asked him before. Is the prisoner at the bar related to him or his wife?—He is six akin himself, and first cousin to his wife.

A *Juror*.—I wish to ask the witness a question; ask him, if you please, how he knew where to go into the prisoner's house for a sack?—It was his own house.

How did the prisoner know where to go into the witness's house for the sack?—He looked here and there in the house when he went in.

Bridget Kerrigan sworn, and examined, through the Interpreter, by the SOLICITOR-GENERAL.

She is the wife of Matthias Kerrigan?—She is.

Does she know the prisoner?—She does.

Is she any relation of his?—First cousins.

Does she recollect the morning the Huddys were murdered?—She does.

Where was she that morning?—At the house, at her home.

Where was her husband?—He was cleaning oats in the barn.

Where was the little boy, Martin?—At the house.

Where was the son, Matthias?—He was gone for a load of turf to the bog; he came home again.

Did she see Joe Huddy that morning?—She did.

Where?—On the road at her house.

Where was she when she saw him?—She was at the door, pouring out water.

Did she see anything happen to him?—She did.

What?—She saw that man there (prisoner) knocking him with a stone, at the back of her house.

Was there anyone with the prisoner?—There was.

Who?—Michael Flynn and Thomas Higgins.

Was the old man knocked down?—He was.

What was done to him then?—He gave him two more kicks.

And what else was done to him?—There were shots put into him.

By whom?—Thomas Higgins and Michael Flynn.

How many shots?—She was not counting them. She was in another state besides counting the shots. She shook her hand like this (waving her hand) as if she was in a shaking condition.

Was there any person along with Joe Huddy?—Yes, a boy.

Did she know the boy before?—She did not.

What did the boy do when Joe Huddy was knocked down?—When the old man was knocked down, the boy ran to the back of the barn.

Whose barn?—Her own barn.

On the breen?—Yes.

What was done to him?—Michael Flynn followed him, caught him by the collar, and knocked him down, and said, "What the devil brought you here."

What was done to the boy then?—Thomas Higgins came then, and put shots into him.

Does she know how many?—She thinks two. She then ran in, she was shaking like that.

Where was her husband all this time?—Standing at the door of his barn.

Where was the little boy, Martin?—He was going from the door to the barn of her own house.

Where was Matthias?—Matthias was standing in the street, after coming back with a load of turf.

Was Matthias there when the old man was killed?—He was not.

Was he there when the boy was killed?—They were killing him just before him.

What was done to the old man just after he was killed?—When the two were killed they put the old man into a basket—Michael Flynn and the prisoner put the old man into a basket.

Where was he taken to?—Thomas Higgins and Michael Flynn then put the boy into a bag.

Who was taken away first?—The old man.

Who took him away?—Michael Flynn hoisted it on the prisoner's back.

Was he taken away then?—They went away then with the old man.

Who went?—The prisoner and Michael Flynn.

Had the boy been put into a sack before that?—The old man was not stirred until the young boy was put into the bag.

Where was the bag got?—The prisoner ran into the house and pulled it down off the corn loft.

Whose house?—Her own.

Where was the sack?—On the corn loft.

Was it there where anyone could see it?—Anyone that went in could see it.

Was the prisoner in the habit of being in their house many a time?—Yes, when he had business there.

After the boy was put into the sack what was done with the sack?—Thomas Higgins came and got her little boy by the collar.

What boy?—Matthias.

What did she say to him?—"Come," said he, "and put this on you." "I will not," said Matthias. "You must bring it" said Thomas Higgins, "or if you won't"—She is not certain whether it was "You will be thankful" or "You will be sorry." She doesn't know which of the two.

Did her husband go out of the street at all?—He did not leave the street, good or bad.

Did Martin?—He did not.

Or herself?—Or herself.

How long was Matthias, the boy, away?—He was not long.

Does she know the man called Pat Higgins (Sarah)?—She does well.

Did she see him that morning?—She did.

When?—She saw him passing her house with a basket of turf on his back.

Was that before or after the boy had been carried off in the sack?

The corpses were gone before he came down, and he went on in the same direction. He did not see the corpse at her house at all.

Had Joe Huddy time to speak to any one in her house that morning?—He no more spoke to any one in her house—

Was her husband served?—He was not; he was not let to her house.

Was Joe Huddy on her street at all?—He was not let down past the boreen.

Had they had breakfast at the time?—She had not breakfast.

Was the breakfast ready?—She was cooking the breakfast, and throwing the water out, when this work commenced outside, and she had little trouble after that.

Cross-examined by Mr. ADAMS.

Was it her told her husband about the civil bill ejectment that was coming?—The master told her on Easter Sunday, in Cong, that he was sending a process against her.

Ask her did she know it would be at Oughterard sessions the process was to be?—She knew the sessions were to be at Oughterard.

Did her husband get any other processes for Oughterard sessions?—He did not.

Ask her, did she know what day the Oughterard sessions were to be?—She did not.

Did she know they were to be sometime in the middle of January?—She did not know. She did not mind it much.

Ask her, how long was it after this happened before she told the police, or told the magistrates—was it nine months?—It was three-quarters of a year.

Did she know for that three quarters that her husband was in jail, charged with the murder?—Why would not she know it.

Did she know her son was in jail charged with the murder?—She knew well he was.

Did she know what would happen to her husband if found guilty of the murder?—She knew well it would not be anything good.

Where has she been living for the last eight or ten weeks?—Down in Galway.

Where?—At a man's house named Hallan.

Guarded by police?—Yes, the police were guarding them.

Has she been living with her husband and children for that time?—Yes, since he came out of jail.

Did she ever talk to her little boy Martin about what occurred that day?—What was the necessity when he knew it himself.

Ask her to say yes or no, did she ever talk to her little boy, Martin, about what occurred that day?—Sure she did not; he himself knew well they were murdered there.

Did she ever say a word to her little son, Martin, about what occurred that day?—The same answer again—didn't he know himself they were murdered.

Ask her to answer yes or no?—Sure she was in grief and sorrow to have the like done at the back of her house.

Did she ever say to Martin a word about what happened that 3rd January? Tell her to answer yes or no?—What necessity to speak when he knew it himself.

Mr. Adams.—I would ask your lordship to ask her to answer yes or no.

Mr. Justice O'BRIEN.—Was it her son she was talking about?

The *Interpreter* (translating).—Don't you know well herself and her children were talking about it when their father was in jail.

Was she talking since about it?—What talk would they make about it?

Were they talking about it?—They knew this thing was before them all through.

Since her husband came out of jail had she any talk about it?—Sure, they were not talking about it, what talk would they have.

Were she and her son Matthias talking about it?—I asked her and her whole family and she said no. She says herself and her husband often talked about it.

She and her children never?—No, didn't they know it themselves.

Ask her did she ever say before to-day that her son Matthias said "I won't do it," when they wanted to put the bag upon his back?—He said he would not.

Did she ever say so before?—She is not sure whether she did or not, perhaps she did and perhaps she did not.

The *Solicitor-General*.—During the time her husband was in jail what was she saying to her children, and her children to her?

Mr. Adams.—Do you think that is a proper question, my lord.

Mr. Justice O'BRIEN.—Certainly.

The *Solicitor-General*.—During the time her husband was in jail what were her and her children talking about it?—The talk was fretting,

and in grief for her husband being in jail, taken for this work in the wrong. That was the talk of herself and the children.

Martin Kerrigan, an Irish speaking witness, sworn, and examined by
Mr. MURPHY, Q.C.

Ask him does he live with his father at Cloghbrack?—He does.

Does he recollect seeing anything being done to a man and a boy one day out on the boreen?—He does.

Had he known the man and the boy at all before that?—He had not.

Which of them did he see something done to first?—He was going out with a basket to his father in the barn, when he saw Patsey taking a stone and hitting him on the back of the head.

Which of the men?—The old man.

Which is Patsey?—That's Patsey (the prisoner).

Had he know the prisoner before?—Well.

Used the prisoner to be in their house at times?—He did.

When the old man was knocked down, what was done to him then?—Michael Flynn and Thomas Higgins came and put shots into him.

Does he know how many shots were fired or did he hear many shots?—He doesn't know, but he knows they were firing.

What did the boy do that was with the old man?—Michael Flynn—

Who were the two that fired at him—the old man?—Thomas Higgins and Michael Flynn.

Did he see what they were firing with?—He saw two revolvers with them.

Who had the revolvers, did he say?—Michael Flynn and Thomas Higgins.

Did he tell you what the little boy did when the old man was knocked down?—He ran to the back of the barn.

Did anyone go after him?—Michael Peggy, that is Flynn, followed him, and put his head down to the ground.

Was anything done to him then?—Thomas Higgins came, and put the shots into him.

Did he see how many shots were put into the little boy?—By his soul he is not sure, but he saw Thomas Higgins—

Now, where was his brother Matthias at this time when the old man was knocked down?—Out at the bog for turf, and he came home with a load of turf.

What was next done?—Thomas Higgins then came forward and caught Matthias, his brother, by the collar, and told him "to come up here."

Ask him was his brother Matthias there when the old man was knocked down?—He was not; he was killed before him.

The old man was?—Yes.

Ask him was the young boy killed before he came?—He was not.

Now, did he hear what Tom Higgins said to his brother?—He caught him by the collar, and told him to come up here and take that with him, and his brother said he would not.

What was done then?—Tom Higgins said "You will, or if you don't, you won't be thankful."

What was the little boy's body put into?—They put it into a bag, head foremost.

Does he know where the bag was got?—He does not know where they got it.

Where was he standing about at this time?—In the street.

What was done with the old man's body?—Patsey Higgins put it into a basket, and Michael Flynn hoisted it on him, and they went on first.

And he went on with his brother?—Thomas Higgins then came, and he was forcing the bag on his back, but his brother did not want it, and he put it on.

And his brother went away with Thomas Higgins?—He did.

Did his father go or did he stay where he was?—He stayed at the barn door.

Did his mother go out on the road at all?—She went to clean the blood after they went.

Where did he go himself?—He went in home.

How long was his brother away?—He was not long at all. He came back suddenly—quickly.

Had they done their breakfast at the time this occurred?—They had not.

Did he see any person going down the road after the bodies were taken away?—Patrick Higgins (Sarah) going with a basket of turf, but they were gone on before him.

Was he the only person he saw going down the road after them?—He was the only man.

Was his sister, Bridget, at home that day at all?—She was not.

How long away from home at that time?—A quarter; she went to service.

Where was his little sister, Mary, when he was going out?—In the house.

Ask him was Higgins's daughter up there at all—Kate Higgins—did he see her up there at all that day?—Indeed he did not see her.

Mr. *Adams*.—Ask him did he make a deposition in Galway before the magistrate?—He was sworn before the magistrate in Galway.

Ask him now, where was he when he heard the shots firing?—He was going out to the barn when he saw this man Patsey (the prisoner) strike the old man with a stone.

Ask him was he in the house when the shots were fired?—He was not.

Did he swear he was not in the house on the day the men were killed in the borean?—He swears that.

He heard shots?—He did; he was going out.

Ask him did he swear this, "I heard shots, I was then in the house, and went out to the door"?—He did not swear that.

Ask him was there an interpreter in Galway before the magistrates?—There was.

And did the interpreter take down everything from him as far as he knows?—He told it to the magistrates.

He told what—ask him did he tell the magistrates the story he has told now?—He did.

Ask him did he say a word to the magistrates about the stone?—He did.

Ask him did he see the magistrates?—Yes.

Ask him did he say to the magistrates—was the story he told the magistrates—that that was the first thing he saw?—He told him, as he tells now, that he was going out to the barn and he saw this man strike the old man with a stone.

Is his story true now, that he saw the blow of the stone, and shots fired, and the whole business from the beginning to the end?—It is true he saw the first stone and the last transaction.

Mr. *Adams* read the deposition of Martin Kerrigan, as follows:—

"I am son of Matthias Kerrigan of Cloughbraek. I was at my father's house the day the men were killed in the borean. I heard shots. I was then in the house and went out to the door. I saw long Pat Higgins on the borean. I also saw Tom Higgins and Michael Flynn there. I now see them and point them out. I saw the two dead bodies lying on the borean, the old man was at the end of the house on the borean, and the young man at the end of the barn. I saw Pat Higgins (Long) carry the old man away. I saw Tom Higgins put the sack on my brother's back. Michael Flynn went with Pat Higgins (Long) and Tom Higgins."

Has he had any talk with his mother, or any member of his family recently, about the story he was to tell here?—No, what talk should he have about.

Not a word?—No, didn't they know as well as himself.

Since his father was let out did he say a word to any member of his family about this murder?—What talk would he have—didn't he know it himself.

A *Juror*.—Ask him to point out the spot where he saw the elder Huddy knocked down?—(Pointed out place). His head was in there by the wall.

Mr. Justice O'BRIEN.—The elder man's head near the wall?—Yes.

A *Juror*.—Where was he himself?—Going into the barn door to his father.

The exact spot?—Just there.

Matthias Kerrigan, an Irish-speaking witness, sworn, and examined by the SOLICITOR-GENERAL.

You are a son of Matthias Kerrigan?—Yes.

Does he remember the morning of the murder?—He does not know the name of the day, but it was some time about Christmas.

Now, where was he that morning?—He went for a load of turf at the bog.

What time did he come back?—The breakfast was ready when he came back.

Did he go down the borean?—Yes.

What was the first thing he saw as he came along?—He saw Tom Higgins, Michael Flynn, and Pat Higgins.

Where were they?—On the borean.

What part of it?—At the back of the house, back of the barn.

Did he know young Huddy?—He did not.

Did he see anything done to the boy there?—He did.

What?—He saw Thomas Higgins and Michael Flynn murdering him.

How did they murder him?—With bullets fired. He saw Thomas Higgins firing at him.

Did he see anything happen to old Huddy?—He was murdered before him or dead before.

Does he mean dead before he came?—Yes.

Did he see him?—He saw him stretched along the wall.

Where was the old man lying?—Stretched on the boren with his head against the wall.

What part of the boren?—(Witness pointed out the spot).

And where did he see the boy murdered?—There (pointed out.)

After the boy was murdered did anyone speak to witness?—Tom Higgins caught him by the collar, and said, "hoist this on you," and he replied that he would not.

At that time was there any sack there?—They had a bag when he came.

What was done with the bag?—Thomas Higgins and Michael Flynn put the boy into it.

And when he was put in what was done?—Thomas Higgins said, "Hoist that on him," and he said he would not, and Higgins said he would or he would not be thankful.

Was it hoist on him?—It was put on him.

Where was the body of the old man then?—(He points to the prisoner). Flynn was gone on with the old man in the basket.

Did he carry the sack with the boy?—He did to James Corbett's.

Who was with him?—Tom Higgins and Pat Higgins (Sarah).

Does he know Mannion?—He does well.

Did he see Mannion that morning?—He did, coming out of James Corbett's house.

What was done to Mannion?—Thomas Higgins caught him and told him to hoist this thing upon him.

Was it then taken off him and put on Mannion?—They took off the bag and put it on Mannion.

What did he do to Mannion?—He pulled him, and hauled him, and he fell on his knee.

Before the sack was put on him?—After falling on his knee they put the bag on him again.

Did he carry it?—He did to his own cross.

That is down towards the lake?—At the little cross at his own place.

Had Pat Higgins (Sarah) come up at that time?—Yes, he did at James Corbett's.

What happened to Mannion there?—When it was taken off Mannion's back, Tom Higgins put it on Pat Higgins (Sarah), and they went off.

What did witness do at that time?—He turned about home, and so did Mannion the same.

At the time he saw the boy shot, how far off was he?—When he came to the yard he heard the cracking of the putting the bullets into him.

Mr. *Teeling*.—Would you ask him how far the bog is from his own house, where he went for the turf?—He has no knowledge of miles, but it is a good distance.

Did he bring back the load of turf with him on an ass?—He did on that morning.

How long would it take him to go from his own house and back again to his own house with a load of turf?—About an hour.

Had the sun risen that morning before he went for the turf?—The sun was rising just as he could see it.

Now, would you ask him, if you please, how long he was in jail charged himself, as one of the murderers of the Huddys?—He is not certain, he says; a fortnight or three weeks.

Patrick Mannion, an Irish speaking witness, sworn, and examined by Mr. MURPHY, Q.C.

Ask him does he recollect the day the Huddys were killed?—He remembers the day, he left James Corbett's house when he met them coming the road.

When he left James Corbett's house who did he meet going the road?—Thomas Higgins, Matthias Kerrigan, the younger, and Pat Sara—Pat Higgins (Sarah).

Ask him were they going down from the direction of Kerrigan's house?—It was a good bit from Kerrigan's

In what direction?—As coming from Kerrigan's house.

Now, was there anything on the back of any one of them?—Yes, there was a bag on young Kerrigan's back.

When he came out on the road, did Tom Higgins do anything to

him?—He got him by the coliar, and said, walk out here, and witness said, he would not, and he pulled him off here a piece of the road.

Well?—He took the bag off Kerrigan's back, and put it on witness's.

What did he say to Thomas Higgins?—Higgins pulled him off here, and took the bag off and put it on witness.

How far did he carry the bag then?—He was pushing him on, and the witness was saying he was——

Mr. Justice O'BRIEN.—Who was pushing him?

The *Interpreter*.—Thomas Higgins, my lord, and he put a hand to the bag to push him; witness always said, he was not able to walk quick enough.

Mr. *Murphy*.—Tom Higgins did?—Yes.

What happened then—how did you get rid of it?—He was hastening the witness on then until he went on down to his own little cross-road, and he dropped on one knee there, and he did not pass that.

What was done with the bag then?—They took it down the road, and he turned into his own house.

What did Matthias Kerrigan do?—He turned on his foot at the same time as witness did, and went to his own home. The others went down the road from him, and he has no more knowledge of it.

Did he see any one else carrying anything along the boreen at that time?—No; he saw neither man, woman, nor child.

He didn't see the body of old Joe Huddy?—He saw nothing more than he is saying now.

Did he meet them just as he came out of the boreen at Corbett's?—He saw them coming towards him just immediately.

Mr. *Adams*.—When did he first tell this story to the magistrates or police?—He told it about nine or ten weeks ago, down in Galway. They were questioning him in Cong before Galway, and afterwards in Galway again.

John Malloran sworn, and examined by the SOLICITOR-GENERAL.

Do you live at Cloughbrack?—Yes.

Do you know Kerrigan's house?—Yes.

Now, the day the Huddys were murdered where were you?—I was in the yard of my own house.

Is there a bit of a hill between your house and the boreen and Kerrigan's?—There is, sir.

Were you threshing in your barn that day?—I was, sir. I was threshing in the barn.

Did you hear anything?—I did, sir.

What did you hear?—Shots.

How many shots did you hear?—Well, two or three.

Where were they?—I don't know, sir.

Where did the sound come from—from what direction?—I heard the shots as I was near the door of the barn. I had an armful of oats in my hand when I heard the shots.

What did you do when you heard the shots?—I made in and left the oats in the barn—at the end of it—and went out again to the end of the garden and looked about me.

To the end of your garden?—Yes.

Is that the garden of your own house?—Yes.

Was that at a little wall where you could look over?—Yes, sir.

At the time you got down to the end of the garden did you look over the little wall?—Yes, sir, I did. I had to look about on every side.

Now, when you looked about did you look down towards the boreen at Kerrigan's?—I did, sir.

Did you see any men in it?—I did see two or three walking towards Kerrigan's, but I did not know them. I only saw the backs of their heads and shoulders behind.

You were a good distance off I suppose?—I was on my own land.

Did you see any one there you knew?—I saw Pat Higgins (Long) in the boreen.

That is Pat Higgins, the prisoner at the bar?—Yes, sir, standing up with hands down by his side.

Do you understand this model. There (pointing), is Kerrigan's house and the boreen and Higgins's house. There are some trees there?—I know there is.

Some of them are broken off now, but there should be trees there. Your house is over there (still pointing)?—Yes, sir.

When you looked down across, did you see the boreen down here?—I could see part of it. I could see a man that would be standing in it.

And could you see near Kerrigan's street?—No, I could not see the boreen, but I could see a man standing in it.

Over the wall?—Yes.

How many men did you see when you looked over in that direction towards the street?—There was no one down the street.

Was Patrick Higgins there?—He was not. He was in the boreen at his own place.

Was he in the street?—No, he was standing at the end of the garden, with his hands down.

Was he near where the trees are?—No; he was at the end of the butt of his own garden.

But was he near the trees?—He was standing at the wall at the butt of his own garden.

Did you ever say he was near them in the street?—Sir?

Did you ever swear he was near the men in the street?—No. I only said he was in the boreen.

Were you examined, and did you take an oath, and did you swear before the magistrate that he was?—No, sir.

Did you swear before a magistrate?—I did, sir.

Now, were you sworn on the 14th October, before the magistrate, Mr. Brady?—I was sworn, but I don't know the day.

That is natural enough. But did you say this (reading from informations)—“I looked down towards the boreen at Michael Kerrigan's, and saw three or four men there.” Did you swear that?—Yes, sir. I don't know whether there were three or four.

Did you swear this—“Long Pat Higgins was the last of them in the street”?—No; he was in the boreen, not in the street.

“I did not know any of the other men. Thomas Higgins and Michael Flynn might be there without my knowing it”?—Yes. I only got one look across the wall.

Did you swear this—“I looked down the boreen towards Michael Kerrigan's”?—Yes.

“Long Pat Higgins was the last man in the street.” Did you swear that?—Was that near the yard of the house?

Yes. Was Patrick Higgins there when you saw him?—Yes, he was in the boreen—in the middle of the boreen between the two houses.

Which was he nearest to—Kerrigan's house or the other?—He was at the butt of his own garden.

Was that what you meant when you swore he was last in the street?—No, I said he was in the boreen.

How long was it after you saw him that you heard the shots?—Not long. I went into the barn and laid the oats up, and came out again.

That was after the shots were all over?—Yes.

Was your son there?—He was.

Where did you and he go?—I think he followed me out.

Did you run?—I did not.

Did you walk?—I walked.

Quietly down?—Yes.

And when you got down to where you could see, which were you nearest, your own house or Kerrigan's?—I was nearest my own house.

Much nearer?—I was at the end of my own garden.

Of course you did not know what was going on in the meantime?—I did not.

And then when you came down you saw the men in the street?—Yes.

Men you did not know, for their backs were to you?—Their backs were to me.

Could it be Higgins and Flynn that were there?—They might be.

At that time where was Patrick Higgins (Long)?—He was in the boreen. I turned on my foot, and went back into my own barn again.

You could only see the head and shoulders of the men over the wall?—Yes, sir.

And was that all you could see of Higgins?—I could only see he was standing on the hillock.

Did you stand looking at him for a long time?—No, I only gave one look.

And then you went away?—Yes.

There is no doubt it was he you saw in the boreen?—It was he, at the end of his garden.

Cross-examined by Mr. TEELING.

You went to the end of your garden and looked over the wall?—Yes.

And then you saw the prisoner standing on the hillock, at the buttock of his own garden?—Yes.

Doing nothing as I understand?—Yes.

Mr. Justice O'BRIEN.—Where do you find that statement, Mr. Teeling, that he saw Patrick Higgins standing on the hillock?

Mr. Teeling.—I take it from the evidence he gave just a minute ago, my lord.

Mr. Justice O'BRIEN.—He gave no such evidence.

Mr. Teeling.—Pardon me, my lord.

Mr. Justice O'BRIEN.—No such evidence. He said he could see only their heads and bodies, and that Higgins was in the boreen at the

end of his own garden. That is his evidence. He did not say he saw him on the hillock at all.

Mr. *Teeling*.—I am only giving my recollection of it, my lord.

Mr. Justice O'BRIEN.—Your recollection is wrong then.

Cross-examination continued.

At all events it was at the bottom of the garden?—It was, sir. That will do now.

Wait a moment. One more question. Is there a little hillock near the prisoner's house?—Yes, sir, near Higgins's.

Yes?—There was, sir.

Was it, or was it not, on that hillock you saw him, when you looked over the garden wall?—There is a little hillock near his house.

Mr. Justice O'BRIEN.—Tell me—didn't you see him standing near the trees?—He was, sir; but he was on his own side of the trees.

Was he standing near the trees?—He was—on his own land, coming within half a perch of the trees—within a couple yards of the trees.

His own land came within a couple of yards of the trees?—Yes.

The SOLICITOR-GENERAL.—Show me on that model where his own land is. This is Kerrigan's house (pointing to model)—is that field Kerrigan's?—It is.

Do you know the next field over here (pointing)?—Yes. The land Higgins has goes down there.

Does it go to the trees?—It does.

And was that where you saw him?—Yes.

And the end of his own land close to the tree?—Yes, sir, close to the trees, and his back was to his own land.

Mr. *Teeling*.—Let the witness retire. I want to ask Mr. Ryan a question about these trees.

The *Solicitor-General*.—It was sworn in Court by Mr. Ryan that some of the trees had been removed from that model.

Mr. *Teeling*.—That is what I want to bring under your notice, gentlemen. It would be a great mistake if you were to think that is the tree at the back of the prisoner's house—the trees extending up here.

The *Solicitor-General*.—No.

Mr. *John Henry Ryan*, C.E., recalled.

The only trees that exist—that actually exist—called trees are here.

Mr. *Teeling*.—That is now.

Mr. *Ryan*.—I presume at any time, but there was a little bush here, but there were no trees but the trees that are here (indicating).

The *Solicitor-General*.—On the other side of the road you say some trees were removed?—I did.

Where were they—were they on this side of the road or that (pointing to model)?—I said, I removed them from the model. The principal ones were here (pointing).

Mr. Justice O'BRIEN.—Where were they removed—the actual trees, which were the trees removed—that you say were further on the hill-side—where do you say they were removed?—From the model.

From the model, you say?—Do you ask me were they removed from the model or the ground?

Mr. Justice O'BRIEN.—Do you say they were removed from the ground?—No, from the model.

Mr. Justice O'BRIEN.—I saw them on Saturday and they were numerous. Now point out where they came to in the model?—They came to there (pointing to the model). No trees actually exist along here at all.

Mr. *Teeling*.—It was the model was wrong.

Mr. *Ryan*.—There was one bush I observed there (pointing to model), but there were no trees.

Mr. Justice O'BRIEN.—What the witness meant to describe were the bushes on the hill side—not the trees.

Mr. *Teeling*.—That is so, but at the buttock of his own garden.

Mr. *Murphy* (to Mr. *Ryan*).—How far do the trees go down?—I did not notice.

Mr. Justice O'BRIEN.—Could you tell the boundaries of the prisoner's land?—Yes, it is a continuation of that wall [pointing to model].

John Halloran, an Irish-speaking witness, sworn, and examined through the Interpreter.

Mr. *Murphy*.—Ask him does he recollect the morning the Huddys were murdered?—He does.

Did he hear any shots that morning?—One shot.

Was his father within at the time?—He was.

What was he doing when he heard the one shot?—He was at the oats.

Did he bring the oats into the barn before he looked to where the shots were coming from?—He was threshing oats at the barn, and he was bringing an armful of oats from the garden to the barn when he heard the shot.

And what did he do—did he bring it into the barn?—He got the oats into the barn, and he stood in the corner of the garden.

Was that after he left the oats in the barn that he went to the corner of the garden?—Yes.

Did his father go with him?—He did.

Was he able to see part of the breen?—He was.

Ask him how many men he saw in the breen?—Three or four at Matthias Kerrigan's breen.

Did he know any of them?—He did not.

Did he see the prisoner, Patrick Higgins, in the breen?—He saw him between his own house and Kerrigan's, in the breen.

Were the other men's backs to him?—Yes.

Did he go any further to see where the shots were?—He did not.

Or his father?—No.

They went back to their work?—They went back home.

The witness was not cross-examined.

Thomas Mannion, an Irish-speaking witness, sworn, and examined through the Interpreter.

The *Solicitor-General*.—Where does his father live?—He calls it Mullaghdrum and Cloughbrack.

Is he a son of Patrick Mannion that was examined here?—He is.

Now, the day the Huddys were murdered, where was he?—He does not know the day they were murdered, but he knows the day the police went round.

Was it in the morning he saw the police, or at night?—In the morning.

Now, the day before that, does he recollect being in the breen in the morning?—He does.

Whereabouts?—Between James Corbett's and Patrick Macken's.

Does he know a man called Michael Flynn?—He does.

Did he see Michael Flynn there?—He did—he met him there.

What time was that?—When they got up they put on the breakfast, and he went out afterwards.

Was there any one with Flynn at the time?—No.

Was he close to him?—He passed him out.

Did he know him well?—He did well—why wouldn't he?

Did he live near him?—He was living in the next place to him—quite close.

Did Flynn speak to him?

Mr. *Teeling*.—I object to this.

Mr. Justice O'BRIEN.—If he had a conversation with him, simply ask him was he speaking to Michael Flynn. Don't let him tell what he said at all.

Interpreter.—He was not going to tell, my lord.

Mr. Justice O'BRIEN.—Was Michael Flynn speaking to him?—He was, my lord.

Mr. *Teeling*.—I am not objecting to that question, but I want to caution the interpreter not to mention any conversation that passed between Michael Flynn and the witness in the absence of my client.

Mr. Justice O'BRIEN.—The interpreter has not stated it.

Mr. *Teeling*.—I know he has not, but lest he should.

Mr. Justice O'BRIEN.—Give the caution when he has.

Mr. *Teeling*.—There would be no good, my lord, in giving a caution after he had done it.

The *Solicitor-General*.—He has been cautioned over and over again, and no one asked him such a question. (To interpreter).—Don't ask him what Flynn said to him, but did Flynn speak to him?—He did speak to him.

Now, after Flynn spoke to him what did he do?—He went on home.

Mr. *Teeling*.—I don't ask him anything, my lord.

The *Solicitor-General*.—How late would your lordship wish to sit?

Mr. Justice O'BRIEN.—I am entirely in your hands, Mr. Solicitor, and in the hands of the jury.

The *Solicitor-General*.—I just thought that this would be, perhaps, a convenient time to rise if your lordship wished it. We have finished one branch of the case, so that if your lordship wished, it would be a convenient stage to adjourn at.

A *Juror*.—How many more witnesses have you?

The *Solicitor-General*.—Two or three.

Juror.—Then we will go on.

Mr. Justice O'BRIEN.—Are you all agreed to that, gentlemen?

The *Foreman*.—Certainly.

Mr. *Adams*.—Their cross-examination will be very brief.

Mr. *William Henry Ellis* examined by Mr. MURPHY, Q.C.

Are you one of the crew of the *Valorous* that was searching for the bodies of these men in Lough Mask?

Mr. Justice O'BRIEN—Properly described as the cutter *Valorous*.

Witness.—The steam cutter *Valorous*.

Mr. *Murphy*.—Did you see the bodies of the two men taken up out of Lough Mask?—I did, sir.

The elder had a stone tied round his neck?—Attached to his neck.

How was the other placed?—The other was in a sack.

Did you see him taken out of the sack?—No, sir.

They were taken away, I believe, by the Constabulary?—By the Constabulary.

Mr. Justice O'BRIEN—What day was that?

Mr. *Murphy*.—The 27th.

Mr. *Feeling*.—We have no question, my lord, to ask.

Constable *Terence Dowd* examined by Mr. MURPHY, Q.C.

You saw these two bodies that were taken out of Lough Mask?—I did.

Did you see the body of the boy taken out of a sack?—I did, sir.

How was it placed in the sack?—Head foremost.

Tell me, was that stone (produced) in the sack or attached to the body of the elder?—There was nothing to it when I saw it.

Now did you search the coat of the old man?—I did, sir.

And I believe you produced at the last trial all the documents you found upon him?—I did—all the documents.

It was the inner coat they were in?—Yes, sir.

Mr. *W. H. Ellis* recalled, and examined by Mr. MURPHY, Q.C.

Was the stone you found tied to his neck like that (produced)?—Like that, sir.

Examination of Constable *Dowd* continued by Mr. MURPHY, Q.C.

I believe there were some in one pocket and some in another pocket of the inner coat?—Yes.

Dr. *Hegarty* sworn, and examined by the SOLICITOR-GENERAL.

Did you see the body of Joseph Huddy and John Huddy?—I did, sir.

Where were they shown you?—At Clonbur.

At Clonbur what day—what date?—I can tell your lordship by reference to my note book.

Mr. Justice O'BRIEN.—About how soon after the time they were found?—The next day, my lord.

Mr. Justice O'BRIEN.—The next day—

The *Solicitor-General*.—What wounds did you find on the body of the elder man Huddy?—I found five bullet wounds on the body, four on the head, and one in the shoulder.

Just indicate them—the position?—One was in the head, and entered into the brain, the second was behind, and also entered the brain, and one on each side. (The witness pointed out the different points on his own head).

And one in the right shoulder?—Yes, one in the right shoulder.

I need scarcely ask which was the cause of death?—Oh, any of these would have caused death—all these.

Have you any account before you as to the particulars of death?—I examined the body completely. Yes.

You examined the body—did you find any discoloration?—Yes, behind.

Where?—Behind the shoulder.

Did you examine the body of the young Huddy?—Yes.

What did you discover to be the cause of death?—Two bullet wounds on the head.

What position were they?—One was on the left, behind the ear, and the other at the back of the head.

Did you discover or extract some of these bullets?—I extracted those that entered the head.

What character were they?—Some were in pieces, and I could not tell, and some were revolver bullets.

Any that were perfect were revolver bullets?—Yes.

There were seven altogether of the one character?—Yes.

Cross-examined by Mr. ADAMS.

That is on the older man, you found, as you have told us, five bullet wounds on the body, and some discolouration on the shoulders; that is what you termed or defined as *post-mortem* lividity?—Yes.

These were the only marks you found on the body?—That is so.

Mr *Andrew Newton Brady*, R.M., sworn, and examined by Mr. MURPHY, Q.C.

Do you recollect the order in which the witnesses were examined—those Kerrigans?—I do.

Was the little boy the last examined?—He was the last of all.

Of course it was an examination conducted through an interpreter?—The same with all.

The boy was the last of all?—He was.

Cross-examined by Mr. ADAMS.

When was Higgins taken into custody?—I could not tell you the date. It was on Monday morning at a quarter to five.

He was taken at his house?—Yes; Mr. Gibbons, sub-inspector, and I arrested him.

Dr. *Hegarty* recalled :—

A *Juror*.—Would a blow of a stone have left?—

Mr. Justice O'BRIEN.—The juror wants to know what kind of mark the blow of the stone would have left. It depends very much on the form of the stone?—Yes, my lord.

And whether he had a coat on him?—Yes.

Yes, and it depends on twenty different things?—Yes, I could not tell that without having a data, my lord.

Patrick Kyne, sworn, and examined through the Interpreter, by the SOLICITOR-GENERAL.

Does he live with his brother, Luke Kyne, in Lower Cloughbrack?—In the same house.

On same breen that the Kerrigans live?—Yes,

Further away from the road?—Yes; he lives out at the head of the village altogether.

Did he know Joe Huddy?—Yes, he did.

He remembers hearing the day he was killed?—He does.

Was he at home that day?—He was.

Did Joe Huddy ever go down to his house that day?—He did not.

Did he serve any process on him or his brother?—He did not, sir.

He did not see him that day at all?—He did not see a sight of him that day at all.

Cross-examined by Mr. *Teeling*.

How far is his house—about how far from the prisoner's house?—He is not able to trace what distance. It is more than a quarter and about half a mile.

Out into the bog, I suppose?—Out into the bog.

Luke Kyne sworn, and examined, through the Interpreter, by Mr. MURPHY, Q.C.

Ask him does he live with his brother, Pat, at Cloghbrack?—He does.

Are they tenants of Lord Ardilaun?—He is with his brother. His name is not on the book.

Did he know Joe Huddy?—He did.

Does he recollect his being killed?—He does.

Now was he at home that day?—He was.

Did Joe Huddy come to his house on that day does he recollect?—He did not indeed.

Did they serve him with any paper that day?—He did not.

No—that will do.

The witness was not cross-examined.

The *Solicitor-General*.—That is the case for the Crown my lord.

The Court at this stage adjourned to 11 o'clock the following morning.

THE DUBLIN DECEMBER COMMISSION.

12TH DECEMBER, 1882.

County of Galway.

THE LOUGH MASK MURDERS.

THE QUEEN v. PATRICK HIGGINS (LONG).

The Hon. Mr. Justice O'BRIEN took his seat on the Bench in the Court House, Green-street, punctually at eleven o'clock, and resumed the trial of Patrick Higgins (Long), for the wilful murder of Joseph Huddy, at Cloghbrack, County of Galway, on the 3rd of January, 1882.

The Hon. the *Solicitor-General* (A. M. Porter, Esq., Q.C., M.P.), *James Murphy*, Esq., Q.C., and *Peter O'Brien*, Esq., Q.C. (instructed by *George Bolton*, Esq., Crown Solicitor), attended to conduct the prosecution; and

Charles H. Teeling, Esq., and *Richard Adams*, Esq. (instructed by *Patrick J. B. Daly*, Esq., of Ballinrobe), appeared for the accused.

The jury having answered their names as follows:—Henry Shaw (foreman), Benjamin Warren, William B. Prescott, William White, junior, Alfred G. Jones, Captain Kearney White, Charles King, Robert Hatton, Joshua Bewley, Henry Smith, John Colclough, and James Talbot Power.

Mr. *Teeling* proceeded to open the case for the prisoner. He said:—May it please your lordship, and gentlemen of the jury, it now becomes my privilege to address some observations to you on behalf of the prisoner at the bar, and I am sure, gentlemen, having regard to the solemn nature of the issue you have to try—that issue being the issue of life or death—that for those observations, however imperfect they may be, I may ask your most serious consideration. Gentlemen, at the outset of the observations which it will be my duty to make to you, I desire to acknowledge, as I did upon the previous trial, in the fullest and frankest manner, the fairness—the almost judicial fairness, with which this case was introduced to your notice in the statement of the Solicitor-General, who leads for the Crown. The Solicitor-General yesterday asked you, as I ask you also now, to discard from your consideration the episode which occurred in Court here yesterday, save so far as it ought to make you additionally watchful that the influences which we sought to restrain as operating against the prisoner at the bar should not be allowed to operate in your jury box when, at the conclusion of this case you retire to consider what shall be the fate of the prisoner at the bar. Gentlemen, in the discharge of our duty to the prisoner it became imperative that those matters should be brought under the consideration of his lordship—that at the earliest moment the efforts that had been made to improperly affect at all events, if not your individual judgment, the judgments of the general body from which you were drawn, should be noticed and checked, so that they should have no improper operation during the continuance of this trial, and we are satisfied that having brought them under the consideration of the court, that they will not be allowed by you to operate at any period during the continuance of this trial in any spirit, or in any way adverse to the man whose fate is in your hands. The name of a distinguished nobleman has been introduced, and necessarily introduced into this case, because the trial as you are aware is conversant with the investigation of the murder of one of his trusted servants. The prisoner at the bar is the tenant of that nobleman, and I think it right on his behalf, at his request, and with his full concurrence, to state that so far as the dealings of the noble lord are concerned with the estate over which he presides, down in that wild district of Connemara, those dealings have been at all times characterized by fairness and consideration. I will even say further, by the greatest possible forbearance: and certainly, gentlemen, no one in this community, or no single body of that tenantry could complain of my Lord Ardilaun, not having received for three long years and a half one solitary farthing of rent from Matthias Kerrigan, the chief witness for the Crown, that Lord Ardilaun should have sought to put the process of ejectment in force against him for the purpose of recovering possession of his land, if the man was not disposed to act honestly, as presumably he was not, from having allowed such an arrear of rent to accumulate without making any endeavour to pay, at all

events, something on foot of his honest debt. Now, gentlemen, I think you will find when you have reached the conclusion of this case, and when you solemnly consider the evidence that has been already given in it on behalf of the prosecution, that the real explanation of the murder of the unfortunate Huddys is to be found in the fact, that that process of ejectment against Matthias Kerrigan was in point of fact put in force, at all events to the extent of its service by Lord Ardilaun, and that that same Matthias Kerrigan, I care not whether by himself or in combination with other persons, I mean other than the prisoner at the bar, is the person who is responsible for the murder of those unhappy men, and not, gentlemen, my client. Now, gentlemen, this Matthias Kerrigan has sworn—has made two statements here, upon the truth or falsehood of which I am prepared to peril the fate of my client. The first statement that he made to you was, that he had nothing whatever to do with the murder—I mean in a criminal sense—because that he was present at the scene of the murder, that he was almost participating in some of the surroundings of the murder, upon his own evidence is patent; but, gentlemen, he swore—and by this he must be bound—upon his solemn oath to you, that he had nothing himself nor had any member of his family anything to do in a criminal sense with the murder of these unfortunate Huddys. He has, secondly, sworn, gentlemen, to you—and upon that I might almost peril my case also—that although that process of ejectment was threatened against him by Lord Ardilaun, although his wife was told in her interview with Mr. Burke, the agent, sometime in the month of December, previously, that this process was about to be issued and that Lord Ardilaun would enforce his rights against him, he has sworn to you notwithstanding that, and notwithstanding that the evidence of Mr. Goode is that that process of ejectment was given to Huddy for the purpose of being served upon him, he has pledged his solemn oath that that ejectment process was not in point of fact served upon him, and by that statement, gentlemen, he must be bound here to-day. In respect to that statement you may have thought, gentlemen, that I was pressing him too much—putting too many questions, but I was wishing to hear his answer clear and explicit, one way or the other; and he swore positively that he had nothing to do with the murder. He said also that it was as true as everything else he had said in the case, that the ejectment process was not served upon him.

Now, gentlemen, it will be my duty before I tell you at all what my own case is—I mean as far as my evidence is concerned—it will be my duty to test before you the truth of those two statements, to show you, if I can, and I believe I can, that the one and the other are false. Now, first, gentlemen, had he anything to do himself, or had any of the members of his family to do, with the murder of these unfortunate Huddys? The first question, gentlemen, that you will ask yourselves, considering that he was upon the scene of the murder, considering that that murder took place at his own door, considering that the blood of these injured men, as was sworn yesterday, actually covered the soil opposite to his own door, and was swept away by his wife, considering, gentlemen, that his own sons, or one of them at least, carried down the two dead bodies, down that boreen after the murder was committed, considering, gentlemen, that the sack in which one of these bodies was concealed for the purpose, being secretly buried elsewhere, was his sack, considering that the creel in which the other body was taken away was presumably his creel also—because he confesses that he had two, and he does not pretend that they were taken from the house of the prisoner Higgins for the purpose—considering all these circumstances, I have a right to ask you this question, whether or not this man had not something himself to say in contradiction to his oath in the matter of the Huddys, and I am therefore justified in proceeding to the next branch of my reason to you—and I shall do nothing but reason with you—and ask you, secondly, having stated these preliminary matters, had Matthias Kerrigan a motive for the commission of this murder? Well, gentlemen, what are the facts upon this subject? Now, when I talk about motive for murder do not misunderstand me. If this was not a case very much out of the common I would scarcely, perhaps, be entitled to reason that with you in this way. If I was dealing with a case, which a person having no connexion with the murder come forward and deposed “I saw the murder committed” in such a street, who when he came forward had nothing against his character, with his evidence so direct and complete, coming to the very point—why, gentlemen, in a case like that the question of motive would not be of any value whatever. But in a case like this, where a person who says that he was present at the murder, and deposes as to whom that murder was committed, is not a person untainted himself, but is brought into direct connection with it in a manner suggesting his own guilt, then, gentlemen, the question of guilt becomes of the deepest importance, and must be inquired into by any jury who are prepared to do their duty equally to the prisoner as well as equally to the Crown. That is the position in

which Matthias Kerrigan stands, and now let us see had Matthias Kerrigan any motive for the commission of this murder. Gentlemen, the facts are these—he owed to Lord Ardilaun three and a half years rent. He was evidently anxious—whether, gentlemen, as the result of his own disposition, or as the result of that disposition operated upon by other influences, by other teaching which it is not necessary for me to further refer to here, because I have spoken of that already, he, gentlemen, undoubtedly owed three and a half years rent, and *prima facie* upon his own statement he was not anxious either to pay it or any portion of it or to deliver up possession of the land. What is the next fact you have?—That in itself would perhaps be an insignificant fact, not in itself sufficient motive for the commission of murder, if you had not other facts to which I will now draw your attention. In addition to owing three and a half years rent, we have it now established upon his own confession that Lord Ardilaun, whose patience has been exhausted, who could no longer, if he was not to abandon the rights of property altogether, permit the continuance of his possession there, almost every day acquiring title by possession—he had been informed by Lord Ardilaun's bailiff that that state of things should cease, that the ordinary status of landlord and tenant should exist, that status being the payment of rent. And we have not a single shadow of a shade of reason for imagining that the rent what was charged by Lord Ardilaun to this or any other tenant on the estate was not anything but a perfectly fair rent, even, gentlemen, a fair rent within the meaning of the recent great Act of Parliament passed for the benefit of the tenants—an Act with regard to which I may express, I may say, my entire sympathy, and I am sure not one of you will be offended at me for doing so. Kerrigan was informed that this state of things should come to an end. He was informed that an ejectment process would be issued against him, and be put into full operation if he did not come to some other reasonable settlement with his landlord, and you have it, that to that reasonable settlement he never came, for not one single sixpence of rent seems to have been paid in the interval between the giving of that information by Mr. Burke through his wife—from that time down to the date of this unhappy murder. Well, gentlemen, was that a mere threat upon the part of Lord Ardilaun? It was not. You have the evidence of Mr. Goode here, that in the month of September he got instructions, and with reference to this very Matthias Kerrigan—because I was careful to ask him the question last night—to issue a process of ejectment against him, and he tells you that he put that process of ejectment with others into the hand of Huddy to be served. Now, about that there can be no doubt. Now, gentlemen, we come on to the 3rd January, and upon that 3rd January, beyond all dispute or question, the unfortunate Huddy started from his own house, some seven or eight miles distant from the scene of the murder—started that morning carrying in his possession the ejectment process which was to be served upon Matthias Kerrigan. Bear that in mind. First of all you have the threat of the agent; secondly, you have that carried into effect by the act of giving that process to Huddy. You have, thirdly, that Huddy started that morning, and I shall show to you that beyond all question upon that morning of the 3rd January, 1882, Huddy had in his possession the process that was to be served upon Matthias Kerrigan. Now, gentlemen, he has sworn in the most positive manner that upon that morning of the 3rd January he was not served with that ejectment process; and before I give you the proof that he was served with it, permit me to say to you, under the correction of his lordship, that if you are satisfied that this Matthias Kerrigan has sworn falsely with respect to the service of that ejectment process, that false statement being made under no circumstance of possible misconception, you, gentlemen, are not at liberty to act upon his evidence against the prisoner at the bar, unless that evidence be corroborated in the most substantial manner, to your satisfaction by other independent testimony in the case. Because it would be a dreadful state of the law, and a dreadful state of the administration of justice, if a man is to be sent to the gallows upon the evidence of another person, as to whom in an important matter the jury come to the conclusion that he had been guilty of wilful and deliberate perjury. Gentlemen, if he has been guilty of perjury with respect to the statement that he was not served with the ejectment, it was wilful and deliberate perjury, because as to that matter in his own mind, and his own knowledge, there could be no mistake whatever. Gentlemen, was he served with the ejectment? I say he was, and the witness whom I call to prove it is the dead man Huddy, from his grave. Gentlemen, you remember the evidence that was given by the constable, Donohue, that when that body was taken up from the lake, there were found upon it several original civil bill ejectments, and there were also found upon it copies of several civil bill ejectments; and, gentlemen, that amongst these—and now bear this fact clearly in your recollection—that amongst the original ejectments that were found upon

that body, when it was taken up from the lake, there was found—I'll ask the Clerk of the Crown now to hand it up to you—was found the original process of ejectment, at the suit of Lord Ardilaun against Matthias Kerrigan. We have, gentlemen, the document in court. Now, gentlemen, it is right that I should tell you—again under the correction of his lordship upon any matter of law—that the mode in which the ejectment is served upon the tenant is this—and it is important for you to remember it, in order that you may appreciate the thread of the argument that I am now presenting to you. In the case of every ejectment process there are what are called, first, the original, and, secondly, the copy. They are, so far as their language and contents are concerned, of course similar; and the only difference between them is this, that what is called the original process of ejectment bears a stamp of 2s. 6d., while the copy appears only, I believe, to bear a 6d. stamp. When the process-server comes to the place where the ejectment is to be served, he is bound to carry with him, first, the original; secondly, the copy; and the service is effected in this mode. He approaches the person who is to be served, he takes out of his pocket both of these documents, and he shows it to the defendant, holds it before him—it is not necessary that he should put it into his hand, it is sufficient merely to hold it up, and say, “there is the original process, and here is the copy with which I now serve you.” That is the mode of serving an ejectment process. And now what is the evidence? It is that when this dead body is taken from the lake, there is found, upon the body of the process server, the very document which he should retain after the service, namely the original civil bill ejectment itself, that is the document which he is bound to have in court when the case comes before the county court judge, when the sessions are held. Therefore, gentlemen, you have it established, as I say, by the evidence of the dead man from his grave himself. You have it established that when Huddy went that morning into that breen, and to the very place where Matthias Kerrigan lives, that he had in his possession, undoubtedly, the original civil bill ejectment; and, gentlemen, I'll ask you also to believe—because it is the only inference from these documents—that he had also the copy to be served upon Matthias Kerrigan, and that he did in point of fact do what was his duty under the circumstances—that he did serve upon him the copy. I ask you to believe that, for it is the only inference that can be drawn from the facts. The original document, to which I refer, is here in court. Well, now, if he was served with that ejectment process, as is the only reasonable inference from the presence of the original upon the body of the dead man, in his watery grave. Then, gentlemen, is there not completed the presence of every single circumstance, of every single condition which would give if the service of an ejectment be recognized by the tenantry as a motive—so there is motive for the commission of this crime by Matthias Kerrigan. And, unfortunately, gentlemen, we all know how often it has been so recognized. If the service of an ejectment process be a recognized motive, at all events amongst certain bodies of the tenantry, for the commission of murder, then we have in the case of Matthias Kerrigan—and the whole evidence contrasts with the case of the prisoner at the bar, Higgins—we have in the case of Matthias Kerrigan the presence of every circumstance, and every condition which, according to the notions of some of the tenantry at all events have in the past, and, unfortunately, we have seen also in the present is recognised as a motive for the commission of murder, particularly gentlemen, if that murder be the murder of the bailiff or the landlord who is enforcing service of that process against them. And that is this case. Well, gentlemen, under these circumstances, I'll ask you to believe that he was served. And now, with regard to the prisoner, if he was served, or whether there was existing in his case any of the motives as in the case of Matthias Kerrigan. I'll now ask you to say that you are satisfied from the evidence of the dead man, Huddy, from his grave, by the presence of that original upon his body, that Matthias Kerrigan was served; and then, gentlemen, I have established the first thing that I said I would establish for you—the commission upon the part of this Matthias Kerrigan of wilful and deliberate perjury. He has sworn that he was not served with that ejectment process. Now, gentlemen, without establishing at all the other part of my statement, that he had a connexion with this murder I say, upon that one circumstance, namely his commission of wilful and deliberate perjury with respect to the matter of the service of the ejectment, that I have his evidence put in this position with respect to the prisoner at the bar—that you cannot act upon that evidence unless it be corroborated by other independent testimony in the case. And by corroboration I may say, under the correction of his lordship, that it won't do to be corroborated upon some other part of the case, as it may affect the other prisoners who are as yet untried, but that it must be independent corroboration, going to the very guilt of the prisoner at the bar himself; and that if he was corroborated ten thousand times over

with respect to other matters in the case, with respect to other persons, that unless he is corroborated—if you once come to the conclusion that he has committed wilful and deliberate perjury—in respect of the matters touching the guilt of the prisoner himself, you are not at liberty to act upon his evidence, and I am as much entitled upon that point to your unanimous verdict of acquittal as if I had in the clearest and most affirmative way satisfied you that he had no act or part in the commission of the crime.

Mr. Justice O'BRIEN.—I should like to know what authority——

Mr. *Teeling*.—The general principle of the law is this, that the jury ought to act only upon true evidence.

Mr. Justice O'BRIEN.—Right.

Mr. *Teeling*.—That in a matter such as this the commission of wilful and deliberate perjury goes directly to the credit of the witness, so as to entitle the advocate to call upon the judge to say that his evidence does at all events, putting it in the most unfavourable way to the prisoner, does tend to the greatest suspicion, and which the jury should disregard.

Mr. Justice O'BRIEN.—I do not dissent to that proposition.

Mr. *Teeling*.—But that, your lordship, becomes infinitely stronger, and I'll submit to you as a proposition of law hereafter—it becomes stronger where perjury is committed by a man as to whom you are satisfied that he was really an accomplice in the crime itself, and that this as a presumption of law becomes almost irresistible, and is not itself a matter of mere credit, but amounts to almost a principle of law. My object is to show that he is an accomplice, and that if he be guilty of wilful and deliberate perjury, there must be independent corroboration, and that going to the very guilt of the prisoner at the bar. Well now, gentlemen, consider the position of this man as far as motive is concerned. We have him served with the ejectment. Now that ejectment, you will take from me, as proved by the document, because it is stated on the face of it—that ejectment was to be heard, and was, in fact, an ejectment for Oughteraud sessions in the county of Galway, which were to be heard before the county court judge on the 19th January. This was stated on the face of the document. The interval between the 3rd of January was just sixteen days. Between Matthias Kerrigan and his dispossession from that farm there was then just this interval of sixteen days, because upon the 19th January it would have been the duty of the county court judge to pronounce a decree in Lord Ardilaun's favour for the possession of that farm. Lord Ardilaun would within a few days from that period have been entitled to send the sheriff out to the farm of this man and to take up possession of his land. Now, gentlemen, there is another matter to be considered here when you come to ask yourselves whether there was any motive in that state of things which I have described to you—you will consider in relation to that, his circumstances, giving strength to, and intensifying the motive which he would have for the hostility to the unfortunate man Huddy, for this tenant, this Matthias Kerrigan, upon his own statement, had no other means of existence in the world but that little plot of land over there. It is measured, and you will understand the value of it when you learn that the yearly rent of it was £4. There are cases, gentlemen, in which a tenant who is about to be served with an ejectment will have his disposition to the crime of murder restrained by this consideration, that if he lost this little bit of property against which the ejectment is brought, he had at all events something else to fall back upon. In every case in which his means of existence are not confined to the little plot of ground, his disposition to murder, or to the commission of crime will be restrained by the consideration that at all events he has something else to fall back upon. But, gentlemen, in the case of Matthias Kerrigan there was no such thing to fall back upon. His all in the world—his entire means of support—was centered in the little plot of ground, and if dispossession followed there was nothing for him in this wide world but the workhouse, starvation, or what would be almost impossible at his time of life; the lower rung in the social ladder, namely, gentlemen, a declension to the status of a farm labourer, a declension, gentlemen, which is as much opposed to the feelings of the tenantry of Ireland who occupy the position of farmers as that in other classes of society—indisposed to make alliances, or to enter into positions of life to which the family was not accustomed. Gentlemen, is it, therefore, to be wondered at, having regard to the past history of this country—having regard, also, to the dreadful state of things existing in that month of January—because, gentlemen, it would be mere affectation to pretend that either you or I were not aware that at that time there were influences at work tending strongly to intensify the disposition of the tenantry of Ireland to the commission of crime, and that there were about that very time acts of outrage and acts of murder prevalent amongst the tenantry of Ireland no one can doubt. Is it, therefore, improbable—or is it, rather, not

very likely, having regard to what we know of the then state of the country, and the whole question of landlord and tenant—am I pushing it too far against Matthew Kerrigan when I say that he had the strongest motive, from the point of view of the tenant, for the commission of this murder? Why, gentlemen, if the service of that ejectment was proved before the County Court Judge disposesession must follow upon it, and Matthias Kerrigan knew that the only mode in which that decree could be arrested was the destroying the evidence of the service of the ejectment. Gentlemen, that evidence could only be destroyed by the destruction of the man who effected the service, and that man was, on the 3rd January, destroyed at the gable end of the house of Matthias Kerrigan, and Matthias Kerrigan, upon his own evidence, was present at the murder, and was there, and practically with every member of his family, at all events with the exception, perhaps, of one little girl. So much, gentlemen, for that portion of the case. Motive he had, and motive in abundance. And now let us see whether there is anything in the other circumstances of the murder—for mark you, where a man admits such a thing as Matthias Kerrigan has admitted, he cannot come into Court and lightly toss it aside, saying, “It is all true; but it was committed by another man.” There are strong presumptions to be made against the man who was found on the scene of the murder, and who is found taking part in the commission of the murder, whose family are all mixed up in parts of the transaction, whose own property is brought into requisition for the purpose of concealing the murder—the presumption is against that man, and it won’t do for him, as he has done in this court, to come in lightly, and say, “Oh, I had nothing to say to it, it was done by others—by the prisoner, and others in combination with him.” I have shown you that there was in his case, from the tenant’s point of view, almost coercive motive for the commission of this murder. I have shown that under the circumstances in which it took place, there is the strongest proof, at all events, that could possibly be offered, that he himself had a criminal part in the transaction, and therefore that my client, the prisoner at the bar, ought to be acquitted. Gentlemen, what are these circumstances? I have partly referred to it already, it is my duty now, at this stage of the case, to call your most specific attention to them, and to rivet your attention upon them, because I am satisfied that if you do rivet your attention upon the circumstances attending that murder at the house of Matthias Kerrigan, the fate of the prisoner is safe. What are these circumstances? First, that Matthias Kerrigan is found at the scene of the murder; secondly, that his son is at the scene of murder; thirdly, that his wife is at the scene of the murder, and fourthly, that that murder is committed practically, I may say, in his own house—the blood which flowed from the murdered man, reddening the portion of the breen which is just outside his house, and not opposite the house of the prisoner, Patrick Higgins. I say the onus lies upon Matthias Kerrigan to get rid of these circumstances—he has a terrible motive for getting rid of them—the onus undoubtedly lies upon him of getting rid of these circumstances which *prima facie* implicate him in the crime. But, gentlemen, in addition to his presence, in addition to the blood spilled upon his own premises, wiped off—and you can understand why it was wiped off—by his own wife—wiped off. I ask you to believe by his own wife because she was conscious of the criminal part her husband, and her son, and possibly herself, had taken in that foul transaction. It was necessary that it should be wiped out, so that there might be no trace when the authorities came to investigate the matter of what had occurred at the house of Matthias Kerrigan. But what have you further than their presence at the murders—a presence which I say *prima facie* casts upon them the deepest suspicion, and the onus of getting themselves out of that position, with the terrible motive for fixing it upon another and innocent person. What have you in addition to the circumstances to which I have just referred? You have, gentlemen, this fact—that the sack in which the body of the poor boy—the grandson—was put, belonged to Matthias Kerrigan. Pause upon that most significant fact. The sack in which the body of one of the murdered persons is put, as in a coffin, to be carried in that ghastly funeral down the breen, and afterwards deposited in the lake, that sack is the property of Matthias Kerrigan. He could not deny it, because abundant proof would have been brought to prove it; that sack is admitted, upon the testimony of Matthias Kerrigan himself, to be his own property. Has he not a terrible motive for fixing this guilt upon another person under circumstances such as these? Has he not a terrible temptation in trying to get rid of all the circumstances to which I have been calling your attention? Has he not a terrible temptation when the inference to be drawn from the facts to which I am now drawing your attention is that he was engaged in the crime? Has he not a terrible temptation, and was he not at the time that the disclosure was made to the authorities, under terrible, almost overwhelmingly coercive temptation, to fix the commission of this murder upon a person other than himself,

and, gentlemen, to fix it—because he could not well fix it upon any one unless it was a person of whom he could say that he lived in the neighbourhood—upon the prisoner at the bar? otherwise his story would not hang together, and accordingly you have him fixing it for the purpose I say of saving his own neck from the halter. You have him fixing the commission of that murder upon one of his own neighbours, and awful to relate, upon one of his own near relatives. So coercive is the temptation, so coercive the temptation imposed upon him by the pressure of the circumstances to which I have been calling your attention. Gentlemen, the matter does not rest there, never leave for one moment out of your recollection the consideration—when you are considering this case—never leave out of your consideration the fact that that sack belongs to Matthias Kerrigan. There was another circumstance in connection with that sack elicited by one of your own body, and I thank him for it, because it was a question put in the interests of justice. One of you asked him last night, after he deposed that this sack was used; and after he admitted that that sack at the time of the murder was not outside the house, where it might have been easily and lightly taken up by whoever committed the murder for the purpose of depositing the dead body in it. But, gentlemen, he admitted that fact in his untutored intelligence, for persons in his station of life, be they as cunning and as cautious and as prudent as they may, very often display a large amount of intelligence, and he did not see when he was asked by me that question what was the value of it. But he admitted upon his solemn oath that that sack, mark you, was taken, not by himself under coercion—bear that in mind—not by coercion, from his own house, from the loft where it is kept, but his evidence was this, that the prisoner at the bar, who was an odd visitor—that is his evidence—at that house, had actually gone into the house himself and taken the sack from the place in that house where that man could not have possibly known, in the ordinary course of things, where that sack was. Now add that to the circumstances of the sack. Do you believe that? Is it not perfectly incredible? I could have understood his case if he had said, “I was under coercion; true it is, that it is my sack, but I was under coercion, and I was forced to go in for the prisoner at the bar to the house for the purpose, to find or discover something which would be the means of concealing this dead body, and to keep the ghastly act from the face of every human being. But he did not see the point, and accordingly he tells you a most absurd and ridiculous story that the prisoner at the bar walked himself into the house, and in one second, almost, come out of it with the identical sack which was upon the loft, with the identical sack from his own house in which this body was carried to his watery grave. Well, gentlemen, what are the other circumstances? In addition to the murder being committed at his own house, in addition to the sack which was to be one of the coffins of one of the murdered persons, what have you? And here is another piece of perjury in his evidence; about this there can be no doubt—that the other coffin, such as it was, which carried one body down the boren, and thence to the lake, that the second coffin, the creel, in spite of his swearing to the contrary, was the creel of Matthias Kerrigan. Gentlemen, when I pressed him upon that subject, he was obliged to confess that he had two creels. He undertook to say, that it was with neither of these creels that the body of the elder man was carried down to his watery grave. May I ask with whose creel, if not, gentlemen, with the creel of Matthias Kerrigan, that second body was carried down the boren to the lake? Matthias Kerrigan, while denying that it was his creel, does not vouchsafe to you the slightest information as to whose creel it was; and above all, and this, gentlemen, is an important matter for my client in this transaction. Matthias Kerrigan, in his statement, says that he was a neighbour of this man, that they were in the habit at odd times of visiting one another. Matthias Kerrigan does not go the length of saying that creel belonged to the prisoner at the bar. Now, bear that in mind. If the second coffin—because that is the proper name for it—if the second coffin did not belong to the prisoner at the bar, in God’s name to whom did it belong if not to Matthias Kerrigan? Matthias Kerrigan before you confessing that he was the owner of two creels, and, of course, the place for those two creels could only be at that little farm-house—if not Matthias Kerrigan’s, whose was it? Well, now, gentlemen, what other circumstances have I in this case as going to show that the *prima facie* presumption is against Matthias Kerrigan, and not against the prisoner at the bar? What other circumstances have I? With, gentlemen, an unerring instinct upon the part of the police authorities who, whatever may be said against them, it is to them, and to them alone, that we can look in times like these for our protection, and for the detection of crime—with an unerring instinct the police marked the house of Matthias Kerrigan, and marked him himself—the house, as being the place where the murder was committed, although there were found no traces which would specially lead their attention to it, because the blood had been wiped away,

and there was no information given in this case to anybody for nine months after the transaction. There was then nothing known about the sacks or about the disposition of the bodies in their watery grave in Lough Mask, nor was there anything known about the larger body and how it was carried down to the lake, nor anything known about the body of the young man, nor of the circumstances given in evidence in this case ; and yet, without anything but what I may call the unerring instinct of these police authorities, they, upon the night of the 3rd January, with unerring instinct put their finger upon Matthias Kerrigan, and he was lodged upon that 3rd January in prison in Clonbur jail. What was he charged with ? Not as a suspect. There was no warrant of that kind out against him then. No warrant against him ; none of the circumstances of the case known to the police authorities until at the end of eleven months it was disclosed to view ; but though never for nine months disclosed to the police, they with unerring instinct, upon the very day of the murder itself, fix their eyes upon Matthias Kerrigan as the murderer of the unfortunate Huddys, and upon that night he is lodged in the jail of Clonbur, where he remained three days, was brought before the magistrate, and of course, there being no evidence, he was discharged, but immediately rearrested under the Act of Parliament then in force. Not rearrested as a political suspect, but rearrested and charged in the document under which he was detained in Galway jail for nine months, not as a political suspect, but charged, although he had been discharged by the magistrates, doing their duty as they were bound to do, there being no evidence against him—charged with the murder of the two Huddys. And, gentlemen, in that jail of Galway he remains for nine long months, never, although his own case now is that he is a perfectly innocent man, and that you have now in the dock the actual perpetrator of this murder—for nine long months under the stigma of the worst deed which could be brought against any human being—charged with the murder, he remains in the jail, never vouchsafing a word of information, never stating to a human being that it was not he but another man who committed the murder, and then was discharged under circumstances to which I'll just draw your attention in a moment. Now, gentlemen, there are persons, and there have been times in the history of this country when you could sympathise with them, who could regard detention in a jail for nine months or nine times nine months, instead of being a disgrace, as being an honour, which they would afterwards hand down as a proud memory in the history of their families. There have been times in that history in which persons might legitimately take pride in the fact that they were objects of the attention of the authorities, and that they were inmates of Her Majesty's or of the King's jails. But, gentlemen, these circumstances cannot exist in the case of a man who is charged with a deliberate murder. The political suspect, taking, as I believe, a thoroughly wrong view of the situation, but it is a matter of opinion, and I feel bound to say it for myself, taking as they have a thoroughly wrong view of the situation—the political suspect may think it an honour to be arrested, and will spend nine months in jail, and come out and afterwards pose himself as a hero before his friends and his relatives. That may be ; it is a state of things existing, very wrong, as I say, I think in the present state of the circumstances of the country ; but that cannot be said of any man who is charged with the crime of wilful murder, because, gentlemen, that is a crime from which human nature, even in its most degraded form, revolts. If for nine long months, according to his own statement, he remained in that jail absolutely charged with participation in that revolting crime, and not one word was vouchsafed by him during the whole of that period when he was there suffering for a false charge, a charge which, according to himself, he could dispel at any moment—he remained under that imputation for nine long months without giving any information, not then being under any real fear. Let that answer not be made, let it not be said that he was in any real fear, because he was then under the protection of the authorities, and of course if he had given information, his family would be placed under protection, and they were placed under it afterwards. No information was given by him, until at the end of nine months he came forward under the circumstances which I am about to mention to you, to lay this charge upon the shoulders of another man, and so to save himself. Now, gentlemen, that is a circumstance upon which you ought to pause, and which you should weigh when you are considering whether or not you will send this man in the dock to the gallows. If these, gentlemen, were other and calmer times, I should like to know what would be thought of the evidence of a man who would come forward for the first time, he having had the fullest opportunity of doing it at any moment before that time—what would be thought of the evidence of a man who sought to fix a charge of murder upon another man, who kept the deadly secret in his breast for nine long months, and never disclosed the information, although he had the most abundant opportunity of doing so—what would be thought of the evidence of such a man, if,

I say, in after times he came forward to prove a charge of murder? Ah! gentlemen, am I not right in saying, that the evidence of that man would be scouted by any jury before he would have an opportunity of convicting any person. Why, gentlemen, should not the same rule be applied now? To-day is Matthias Kerrigan to have credence now at the end of nine long months, if he would not have credence in ordinary times? The only shadow of ground upon which it can be put, but it is not sufficient to take away the life of a human being—the only ground is that he may during that period have been afraid. That is not an answer, because first of all it is not a true answer, and secondly the presumption ought to be the other way, where the result of such evidence is to consign a human being to the scaffold. Well, for nine long months, with the strongest motive to tell it—with the fullest opportunity of telling it, so far as his own personal safety was concerned, he never vouchsafes one single word—and, gentlemen, I say that under those circumstances the only conclusion to be drawn from his silence is that he had the terrible knowledge concealed in his own breast, that he himself was the murderer of these unfortunate Huddys. Now, let us see whether there are not in the circumstances under which this Matthias Kerrigan was discharged, circumstances which so far from going to aid his position are circumstances that are strongly in corroboration of the view that I am presenting to you, that that evidence of his, that fixing of the charge upon another man, and taking it off of his own shoulders was made, not because he felt the heavy burden of conscience to tell the truth, but because he stood at the time he made the confession in the most imminent danger of the gallows himself. Remember what was proved before you yesterday. He was discharged on the 25th of September. The depositions in this case upon which the prisoner was returned for trial were made on the 14th of October—not until the 14th of October. But before he was discharged on the 25th of September, the other prisoners who had been charged with this offence—for of course a number of persons from the neighbourhood were arrested, but those persons had been all discharged, some of them from Galway jail, and others, as we gathered from one of the witnesses, from other jails—they were all discharged a considerable time, certainly a number of days before, the evidence in the other case was three weeks before—all the other persons implicated, or charged with this murder, were discharged for three weeks, including in that number the prisoner, Patrick Higgins, at the bar. They were all discharged for three weeks before Matthias Kerrigan himself was discharged on the 25th of September, and, gentlemen, it was under those circumstances, and not until then, that he gave this information to the police authorities, getting, of course, an assurance—they being most anxious, and rightly anxious, that some person or persons should be brought to justice for this awful crime. It was not until then, and having the assurance that when that evidence was given and that disclosure was made, he would be safe—but only provided it was given. Gentlemen, see the significance of those circumstances. All the other men upon whom suspicion at any time rested are discharged. He alone remains in custody—set aside apparently—called out from the numerous persons who were arrested, called out by the Crown as being the true man who had committed the murder, with, as I said in the beginning, the same unerring instinct which upon the very night of the crime had caused his arrest and his imprisonment in Clonbur. His position, therefore, was this—that so far as he could judge, the Crown intended to persevere to the very end in the charge against him—not to let him go, unless they were coerced by some strong law—to keep him as long, at all events, as the law would permit them, the charge still existing against him, being that not of a political offence, but that of wilful murder. The others are discharged, he finds himself the solitary inmate of that grave, set aside by the authorities as a person that they will proceed against to the very end; and, gentlemen, further knowing that it was competent, and would be competent for those discharged persons who did know the truth, and were conscious of their own innocence when discharged, to give information to the authorities, and so at last to justify the unerring instincts of the police who had kept him in jail, and enable them to bring him at last to justice. When you consider those circumstances, is the statement made by Matthias Kerrigan, implicating other persons, notably the prisoner at the bar, in this transaction, one which can commend itself to you as of that character that would enable you to return a verdict of guilty against one of your fellow-beings, with the view that that same fellow-being may within a short time be sent to the scaffold? See the danger in which he stood—in addition to the fact that he is set aside as the true man, as the one man that must be detained and proceeded against, that being indicated, as I have shown by the discharge of the other prisoners, for so long a period as three weeks before. What were the circumstances then of the country? I am happy to say, in favourable contrast to the state of the country when the arrests were originally made in January. All the influences of terror, or at all

events to a very large extent, all the influences of terror, which had been operating in the month of January to prevent freedom of action upon the part of the tenantry, were then, as you know, being withdrawn, because we have reached the period of September, 1882, a considerable time after the passing of the Land Act, of which one of the very first influences, and I rejoice to be able to say it, was that it enabled the people to appeal to its courts for redress of their grievances, whether those grievances were well or ill-founded, and not to appeal as they had been accustomed to do for so long—too long a time before, perhaps, to noonday murder and midnight assassination. The times were then happier—a load of terror would be removed from off the discharged prisoners, and amongst them from off the prisoner at the bar. He would then be in a position, having regard to the changed circumstances of the country, to tell this story—to unbosom the secret he had kept locked in his breast for these nine long months as to the commission of this murder in the house of the street of his next door neighbour, and it was in those circumstances, with the apprehension that that very thing would occur, that all those persons breathing an atmosphere of greater freedom and security and peace, would tell the authorities what had so happened, and that Matthias Kerrigan would find himself in a very short time in the very dock where the prisoner now stands, that induced, I submit to your better judgments, Kerrigan to take the rope from off his own neck and place it on the neck of Patrick Higgins (Long). Oh, gentlemen, isn't his disclosure, made under circumstances such as these,—made under the influence of a desire to save his own neck—made upon the assurance which you must presume, I tell you under the correction of his lordship, that he would, as far as the action of the authorities were concerned, be a safe man, and made under terror that others would be before him with the true story implicating him—isn't that a disclosure upon which no jury could act to consign a fellow creature to an ignominious doom? But, gentlemen, if the Higgins' family had been one day before him, as it is to be hoped they would have been under the influences I have just mentioned of a newly created freedom of action, he being still in gaol, set aside by the authorities as being the one true person who beyond all doubt was concerned in this transaction—if they had been one day before him, and every moment of time was then of enormous consequence to Matthias Kerrigan, the position would have been reversed, he would have been the prisoner in the dock, they (the Higgins's) the witnesses. And, may I ask you then, suppose you had the realization of the contingency which I have just sketched for you, namely, of the Higgins's having first made this disclosure, and that then Kerrigan, being still detained in Galway jail, they came up to give evidence against him—is there a jury that could be found in the world that would not be satisfied of his own guilt? It would certainly have gone hard with him to escape the gallows himself. But, gentlemen, he was in time, and by being in time, he has reversed the position of things, and he has put into the dock a man who, under the circumstances that I have assumed, would have been the prosecutor and he the prisoner. These are the circumstances under which the disclosure was made which rob it of the slightest significance whatever in its own favor, but on the contrary make it a tremendous force in favour of the theory of the innocence of the prisoner, that that disclosure was made, and as perhaps you will hear one of the ablest advocates of the bar who is to follow me, state in reply, as the result of no new-born scruples of conscience, no manly promptings in the heart of this Matthias Kerrigan, but made under the influence of a desire to save his own neck from the halter that was certainly impending over it. If that be so, what then becomes of this case, if I did not call a single witness, if there was not another single feature in it making for the prisoner, what would become of the case? So far as I have gone, and as it is sought to fix guilt upon my client the prisoner at the bar, have I satisfied you, or have I even left your minds in reasonable doubt as to whether the account I have sketched out is not a true explanation of this matter, and that it is more probable that this murder was committed by Matthias Kerrigan than by the prisoner at the bar? I say have I even left your minds in reasonable doubt as to that case? If I have done so, and if your minds are in doubt, it is your duty to acquit the prisoner just as much as if we had, to a mathematical demonstration, proved his innocence. But let us see whether there is any other evidence given on behalf of the Crown—any corroboration whatever, upon which you can rely, and the story told by Matthias Kerrigan. The other witnesses on this part of the case, gentlemen (because I am not going to trouble you as to the finding of the body and these other matters), but the witnesses brought forward for the purpose of supporting the evidence of Matthias Kerrigan consists of very few persons, his wife and his two sons, the two Mannions, and the two Hallorans. First, let me say, with reference to the evidence of his wife, that if you come to the conclusion that Matthias Kerrigan had anything to do with this

murder in a criminal sense, you should, although not exactly bound in point of law to do it practically, wipe out of, in this case, the evidence of his wife, and that upon the principle of law well established in our legal system, which looks upon the wife and husband as one person, as completely identified in interest as they are identified in almost every other circumstance in life, that what one says we expect the other to say, and that what the other says shall not be taken as making what has been said by the first one bit stronger. Upon that principal of law I would be entitled to ask you to strike her evidence out of the case practically, but I do it on a much stronger ground. I ask you to disregard her evidence on a much stronger ground—appealing to your human nature, your common everyday experience—that is, upon the ground—first upon the connexion which this whole family must have had with this murder, and secondly that she is his wife and under the terrible temptation and influence of being in the position of coming forward to save the neck of her husband. Gentlemen, the commission of perjury under any circumstances is of course a great moral offence. In no case can we defend it, but undoubtedly if Providence ever looks with forgiving eye upon the commission of that great moral offence, it is when the wife comes forward and by her perjury seeks to save the life of her husband, or when that perjury is committed by children under the strong influences of the affection that they bear to their parent, to save that parent from a terrible fate. Those are the circumstances under which the wife and the children acted in this case—the wife to save her husband, the children their father. They are not circumstances upon which, you know very well, you could rely satisfactorily in a case in which, shrouded as this is in gloom and mystery. They have the motive of putting from themselves, that is the wife and these two little boys, especially the elder boy, the charge of any complicity in this transaction. They have, in addition to that, the strong motive of affection—the strong feeling to which I have referred—to save the nearest and dearest to them in life. Therefore, gentlemen, I do not think you will act on their evidence unless you find something else in the case corroborative of it; and now what else is there? The other witnesses are the two Hallorans and the two Mannions. With regard to the Mannions I ask you to bear this in your most careful recollection, that neither one nor the other of these two men (the Mannions) deposed to a single fact against the prisoner at the bar, nor, gentlemen, from commencement to close of their evidence even mentioned the name of Patrick Higgins (Long) as being present at any part of that terrible transaction. They do, gentlemen—and that is the reason I would earnestly ask you to be careful about their evidence—they do implicate—one of them, at all events, implicates another person bearing the name of Higgins; but that is not the prisoner at the bar: it is Patrick Higgins (Sarah), the man they saw, you remember, coming near Corbet's to take the body up, and joining at that point in this ghastly procession towards the lake. If there be any doubt about it, then I will read the deposition for you from beginning to end; but if I misstated the fact that I have now mentioned—namely, that from beginning to end of the evidence of the Mannions they don't profess to say that the prisoner was present at any part of the transaction, I would be immediately corrected by the learned Solicitor-General and immediately corrected by his lordship on the bench himself. The Mannions corroborate the evidence of the Kerrigans possibly in other respects as regards other persons, but I earnestly implore of you to take it as conceded here that they, from the beginning to the end of their evidence, do not profess even to have seen, upon that fatal day, the prisoner at the bar at any part of the transaction. They were not at the scene of the murder themselves, they don't seem to have joined the ghastly funeral procession until some time later on, but even at that time, later on, they don't profess in any part of their evidence to say that the prisoner was present, or that he had anything, directly or indirectly, to do with this offence. Now, bear that carefully in mind, and it is necessary to be careful in this case where there are so many names mixed up. The conclusion, therefore, is not difficult as regards the evidence of the Mannions, no corroboration is to be found of the Kerrigans in support of the charge that they make against the prisoner at the bar, that he was actually the person who committed this murder, and I tell you, gentlemen, again, under the direction of his lordship, that if you come to the conclusion that Matthias Kerrigan had any criminal connexion with this murder, he having sworn himself that he had not, and being perjured in another portion of the case, that before you act upon his evidence, before sending this man to the scaffold, you must have independent and separate corroboration as to the prisoner's guilt, and not as to other items of the case—or other parts of the transaction—or other persons, but corroboration upon which you are to act, as corroboration going to the guilt of the very prisoner at the bar himself, and in support of the matters that are indicated against him by this Matthias Kerrigan. I have no difficulty then in disposing

of the evidence of the Mannions. Have I any difficulty at all upon the evidence of the other two witnesses, the Hallorans? I have not. But, upon the contrary, have I not great consolation, great support in the evidence of these witnesses, upon the material facts of the case, and witnesses, remember, produced by the Crown. The evidence of the Hallorans, so far from implicating the prisoner at the bar in this terrible transaction, goes directly to acquit him of it, because their testimony is that living upon the rising ground over this breen off which the Kerrigans and the Higgins live, and that having heard shots, they came down to a spot from which they commanded a view of the breen; and that in the momentary glance they got of the place, they observed the prisoner standing where he had a right to be standing, at the buttock of his own garden, and apart altogether from the crowd which they saw up at Kerrigans, where the foul deed was committed. At Kerrigans where the crowd were standing, but my client was where it was quite natural that he should be, namely at the end of his own garden, doing nothing, taking no part in the transaction and brought, as I will presently tell you, to that spot under the influence of the same curiosity which made the Hallorans to look over the wall when they heard the shots, namely to see what it was about, but doing nothing and not speaking to the persons at the other end, not communicating with the people at the other end, not indicating in any way by his manner or conduct that he was taking act or part in the transaction, but upon the contrary conveying to these two Hallorans, who are looking over their garden wall—and mark you the prisoner was not conscious that they were looking at him at all—conveying to them the impression that he had nothing whatever to say to the transaction. For they repeated over and over again in their evidence that he sat there at the but end of his own garden looking down towards the scene of the murder, but that he was doing nothing whatever, and was entirely separated from that crowd at Kerrigan's, whom you may take to be the criminal crowd, here at that moment, fortunately it is for themselves, with their backs to the Hallorans, or, gentlemen, we would have them in the dock, and justice would be done. That is the evidence of the Hallorans, and that, I am entitled to say—not straining the matter, but dealing with it in the widest and most liberal spirit in the interest of the Crown—is testimony for the prisoner and not for the prosecution in this case, because it is perfectly consistent with our case, and inconsistent with the theory of the Crown, that my client had anything whatever to do with this transaction. That is the case for the Crown; and am I correct now in saying, the Mannions being out of the question, and having regard to the evidence of the Hollorans, who fix the man at a place where he had a right to be—but doing nothing—under the circumstances that I will fully explain to you in a few moments—am I correct in saying that, excepting the wife and the two sons, you have no corroboration whatever of the—at all events in one matter, that of the non-service of the ejection—the perjured evidence of Matthias Kerrigan, and I will add to that his perjured evidence in reference to his denial of any complicity in the criminal character of this transaction. Gentlemen, there is another circumstance in this case, another item upon which you will be able to put your finger, and say Matthias Kerrigan has been guilty of wilful and deliberate perjury, and that is his evidence as to the mode in which the prisoner at the bar took part in this transaction. You will remember that the testimony of the Kerrigans is that, as regards the shots—the five shots that went into the heads of these unfortunate men—none of them were fired by the prisoner at the bar. The evidence of Matthias Kerrigan, and of his son, is that these shots were fired by Thomas Higgins (Tom), who is not now before you, and by a man named Michael Flynn, who is not before you either. They don't pretend to say, any of them, that a single shot was fired by the prisoner at the bar. But, gentlemen, they tell you that before those shots were fired,—and now I come to the item which I will ask you to call an item of perjury—they tell you that his part in the transaction was this; that before the shots were fired the prisoner at the bar took up a stone, I presume a stone from the wall there, and that with that stone he felled the elder Huddy to the ground. That stone, mark you, was fired at and struck the old man on the back of the head—in the “pole” of the head—to use the very words of the witness. Test that account for one minute—is it true that the prisoner at the bar took up a stone,—it must have been a tremendous stone—that he felled to the earth the elder Huddy, and that he was then despatched, to use the language of the witnesses, by the revolver of Thomas Higgins (Tom), and Michael Flynn; that is the part ascribed to him by Matthias Kerrigan, and that is the evidence of one of the sons of Matthias Kerrigan. Is that truth? Fortunately, gentlemen, a person of distinction and ability—a professional man, has been examined here, and gave his evidence in a way that must have commended itself to you for its skill and precision, namely Dr. Hlegarty. He saw that body when it was taken up from

the grave—its watery grave, on the 26th of January, 1882, just some twenty-three days after it had been deposited in the lake, and that doctor tells you this upon his solemn oath, and he is produced here as a witness for the Crown, as representing skill, as representing integrity, as representing truthfulness, that he made careful examination of every portion (those are his very words) of that body, it being then, always remember, in no stage of decomposition whatever—that, except as regards some discolorization between the shoulders, which he attributed to the lividity that follows death, there were no marks visible save the bullet wounds which caused death. Matthias Kerrigan swore the blow of the stone was aimed at, and took effect on, the head of the elder Huddy—he cannot break from that now—he has fixed and bound himself to it, and, gentlemen, the doctor pledges his solemn oath that having examined that head with the greatest care, the only marks were the sharp clear marks which the bullets made, and that there was no abrasion on the skin, nothing in the appearance of that head, so carefully examined by him, to indicate that he had been the subject of this fearful stone, I may call it battering ram, hurled at it, according to the evidence of Matthias Kerrigan, by the prisoner at the bar. Is it conceivable, gentlemen, is it probable, that if that stone, that frightful stone, had been hurled in the mode which has been described to you by Matthias Kerrigan, doing this deadly work upon the head of unfortunate Huddy, that no marks, no indications of the dreadful assault would have been found on the body, which was in a perfect state, and with which no decomposition had yet set in? Still that is the evidence of the doctor—that there was not the slightest appearance of a wound, or even a ruffle of the skin on the head of the deceased man, and that is the only part with which Matthias Kerrigan fixes as the part which the prisoner at the bar took in this transaction. Was I not right a moment ago in describing that as a third item of perjury in his testimony? If you don't believe that portion of the evidence—if you, gentlemen, taking the only reasonable view of the evidence, namely, that that head should have borne upon it the traces of this deadly assault of a stone, is it there? No, only the traces of the bullets; and what conclusion can you come to upon that, but that the statement made by Matthias Kerrigan is a prepared statement, and that the prisoner at the bar never hurled that stone at the unfortunate dead man, which is, as I have observed, the only part he assigned to my client—what conclusion can you come to but that the death of poor Huddy was caused by far different means, namely, by the revolver shots, which he seeks to put upon some persons called Thomas Higgins (Tom) and Michael Flynn—it is immaterial to me here who they were—but which, he says, were not fired by himself. I say that I have proved here, by the doctor, to demonstration that that stone was not hurled, as stated by Matthias Kerrigan, and if I have done so there is an end to the case for the Crown, for that is the only serious part of this transaction that they assign to the prisoner at the bar. But, even if I have not proved that to a mathematical certainty, if you are in doubt about it—if your mental condition remains one of doubt and difficulty and gloom I am upon that ground as much entitled—I say it under the correction of his lordship—to your verdict in this case, as if I had affirmatively proved the innocence of the accused. Now, gentlemen is it possible upon any reasonable hypothesis to get rid of that evidence of Dr. Hagerty, with respect to the absence of all wounds upon that dead head? Is it possible upon any reasonable hypothesis, such a hypothesis as could have had any reality and coherence upon this fatal 3rd of January? I say not, the evidence given cannot be put aside by the suggestion that Huddy may have worn a topcoat. Where is the evidence in this case, that upon that morning the dead man wore a topcoat at all?

Mr. Justice O'BRIEN.—There is evidence of that, though you may forget it Mr. Teeling. The policeman said, his topcoat had been taken away—

Mr. *Murphy*.—There were two coats upon him, and it was in the inner coat the documents were found. That is the evidence here.

Mr. *Teeling*.—Whether he wore it or not that morning, you are driven to this conclusion, gentlemen, to get rid of the evidence, that he must have worn it upon the top of his head, if the effect of that blow was to be obstructed by the coat. There is no evidence that he wore it in that fashion at all—so as to cover his head. So far as the evidence goes his head was clear. There is no suggestion of a mask or a covering of any kind, and therefore I say his head was clear for this assault at the time that stone was fired at him, and at the time that stone took effect, and if it did take effect the wounds, the absence of which I have directed your attention to, would have been present on the dead man's head. So far for the allegation in reference to that stone, which I ask you to say is an entire fabrication. And, now, I come to the case for the prisoner himself. I submit that I said nothing to you at all on his behalf, on the case of the Crown, as I have laid it bare before you,

he is entitled to your acquittal; but I will tell you what his case is. He is not going to make here what is often made by many a guilty person—he was not from his own house that morning, and removed from the scene of the murder; and, therefore, not in a position to have committed it. That is not his case. If he was a guilty man he should make that case which has been unfortunately too often made in the annals of criminal trials in this country, that is to put forward, gentlemen, a false *alibi* to secure his acquittal. The fact that he does not do so is a fact to be considered by you. But now, before I state what occurred on that morning, what is the evidence against him as to the existence of any motive at all for the commission of this murder. I have pointed out to you what is the motive, strong and pregnant, for the commission of it by Matthias Kerrigan. Let us see how motive of a similar character could affect the prisoner at the bar. Gentlemen, there is no evidence whatever in this case as to the existence of any previous quarrel between the prisoner at the bar and the Huddys, furthermore, there is no evidence, and bear this prominently in mind, that upon that morning, the 3rd of January, the prisoner at the bar knew that an ejectment process had been issued against him. Not a particle of evidence. Mark how different is the other case. In the other case Matthias Kerrigan knew, through his wife having had an interview with the agent, that the process was to be served against them. So far as evidence goes in this case no intimation of a similar character was made to the prisoner at the bar. Therefore he was not in the position that Kerrigan was in, of necessarily expecting upon that morning any such message as an ejectment process. None was expected. Now, gentlemen, is there any proof whatever that, not having had any intimation of the service of an ejectment before that morning, and so being in a state of murderous preparation, as Matthias Kerrigan was, upon his own showing, for he had his revolver there, and they did to death the unfortunate Huddys—not having any information that would lead him, if of a murderous disposition, to make preparations for an attack upon these Huddys as the Kerrigans had; is there any evidence whatever that upon the 3rd January, Huddy went to the house of the prisoner at all, or that he served upon him that morning the process of ejectment which might have given him a motive for the rising of his blood to the commission of this crime. There is no such evidence in this case—no evidence whatever of any intimation that a process was to be served, and less evidence, if less there could be than nothing, that upon this fatal morning he was in point of fact served with a process of ejectment, which, by the sudden operation upon heated blood, might have led him equally with the Kerrigans to the commission of this murder. No such evidence. Such evidence is forthcoming with respect to Matthias Kerrigan's case. Huddy from the grave has proved that he was served, by the fact that the original is found upon the body of Huddy. No such evidence at all in respect to the prisoner at the bar is forthcoming, and therefore there is an absence of any such proof for commission on his part of this brutal murder. It will be said, no doubt, gentlemen, in reply, by the learned counsel who will speak on the part of the Crown, that when Huddy went in, upon their theory—he did go only upon their theory, which I utterly deny—that in some way the prisoner got possession of the documents. There is no such evidence at all—none in the wide world. The dead man's body is found, and upon that there is not found any original process against the prisoner at the bar. As much as was found in the case of Matthias Kerrigan, I have to tell you, gentlemen, that in addition to the fact that no original process was found with respect to him. There was found on the body of this man copies without originals and originals without copies, indicating this, that the process server was liable to that which every process server is liable to, and which every individual is liable to namely, to have gone out on this particular morning without being furnished with every one of the documents necessary to serve his legal purposes. It is perfectly consistent that he did not start that morning with any process of ejectment for the prisoner at the bar, and that is corroborated to this extent—that upon the dead body there is not found an original process against the prisoner at the bar corresponding to such as was found upon his body with respect to Matthias Kerrigan. The inference, gentlemen, from that is this—the fair inference—at all events an inference that is consistent with the case, that is, that upon that morning when Huddy started, he did not start with the necessary papers to serve all the persons whom he was, perhaps, instructed to serve, and that may have been through mistake, or forgetfulness, or favour, any one of them that you like. But all the papers are found with respect to Matthias Kerrigan which prove that he was served. There is no evidence in this case that the body of the dead man was rifled; there are documents found upon it—documents of various kinds, some copies with originals, some copies without originals, indicating that this Huddy was a careless man which would be only

consistent with this, that he had forgotten the originals, but there is no evidence in this case that the pockets of this man were rifled by anyone, on the contrary, gentlemen, I think that when casting him into the lake they cast him in as rapidly as they could, and if they did rifle his pockets at all they would have done so effectually by taking out of his pockets the slightest indication whatever that any person in that land had been served with an ejectment process that morning. But that is not what is done with the body at all, and manifestly for this reason—that he was put hastily into the lake. Gentlemen, if they wanted to rifle the body of any document they would have rifled it of all—they did not rifle it, and therefore the only fair conclusion from the circumstances is that the document not being found upon his body, that that document which would have been upon his body if he had effected the service was not brought with him that morning, nor with the copy of that process the prisoner was not served. Take that in connexion with the circumstance that there were found on his body copies without the originals, showing that the man had started upon that morning, possibly hastily, had come out very early in the morning. It might have been the desire of Lord Ardilaun to effect the service of certain documents before others, and possibly for some reasons known to himself, to effect service upon Matthias Kerrigan before others, and he may have started without some documents, and amongst them those which would have effected service upon the prisoner at the bar, but at all events, gentlemen, they are not found. While in the case of Kerrigan and others, documents are found on the body of the deceased, which would indicate that he had served them. As I have said, the only fair inference you can draw from all this evidence is, first of all, that the prisoner at the bar knew nothing at all about the service of an ejectment that morning, and secondly, that he was served with no ejectment.

Gentlemen of the jury, I am happy to say I can, within measureable distance of the observations I have the privilege of addressing to you, I have now to tell you what occurred on that memorable morning with respect to the action of the prisoner at the bar. Gentlemen, his family consisted of six children, two of whom were in America, two in England, and the members of his family who usually remained at home were the young daughter, Kate Higgins, a girl about twelve years of age, and a boy a little older. On the morning of this murder the prisoner, Patrick Higgins, was where he ought to be, as an honest man, in his own house. There were with him there his wife and his little daughter, Kate Higgins, and there was also in the house a girl named Mary Conroy, who had come up from the village for the purpose of assisting Mrs Higgins in earthing wool. The wool was not ready and she remained there assisting in the threshing of oats. The boy on that morning, and about this there is no dispute, the boy on that morning was absent from home at a place called Glenflesk, across the lake in the direction of Maam, so that the inmates of the house were Patrick Higgins, the prisoner at the bar, his wife and daughter, and Mary Conroy. Gentlemen, as you are aware, the wife cannot be examined on behalf of her husband here. If I were to present her on that table for examination, his lordship would order her down, so that you cannot have the advantage of her testimony, as you have had the benefit of the testimony of Bridget Kerrigan, the wife of Matthias Kerrigan. Gentlemen, the father was in the barn threshing some oats, and these two girls were assisting in carrying oats to the barn. The barn is there a little behind the house. Both girls, when they heard the shots they rushed out, Kate Higgins and also Mary Conroy, and they saw, whether from this place (referring to the plan) or the hillock here, which is a complete obliteration of the wall there, a bit down from the barn—a little difference as to the distance makes little matter, and it is exactly what you would expect in the evidence of witnesses deposing to matters after nine months—Kate Higgins heard the shots, and looking down the breen she saw the ghastly sight of the bodies, and her evidence is that she could see them distinctly. Don't imagine, that because there is a corner there she could not see them. When she saw the dead bodies, and it was a terrible sight for her, she rushed into the house and told her father about it. The father and Mary Conroy came out, and stood where you have been told by some of the witnesses, and when the father saw the dead bodies, and that this deadly work was done, knowing that he had no weapons, and having no person in the house with him but his wife and these girls, he rushed back in horror from the sight, and he did what under the circumstances any person would do—he invoked the protection of God, appalled as he was in presence of such an awful sight as that. The other girl, Mary Conroy, came out also, and saw the bodies, and she also rushed back. The father remained in the barn, where he had a right to be, not being able to afford any assistance. The men being dead, it was better for him to remain where he was, and no one can blame him under the circumstances. That is the only part which the prisoner at the bar took in this transaction—if you can call it taking part—namely, rushing out on hearing the shots, and rushing back in horror. That is the only part, gentlemen, which

he took in the transaction. We will produce these girls, not caring for circumstances, because it is right you should have from the family of the prisoner a full account of what took place in reference to his house, and the inmates in it. Gentlemen, this little girl, Kate Higgins, as I have told you, is about twelve years of age, and Mary Conroy is a year or two older. A girl of that age, I need scarcely say, would naturally, under the dreadful circumstances of that murder, certainly be subject, to what childhood is frequently subject, great nervousness, apprehension, and fear. And it is true with respect to her, that after her father was arrested, quite true that on that terrible day of his arrest, the police, three of them, came to her house, her father being absent, and the girl being practically helpless, they came to her house, and Mr. Bolton, the Crown-solicitor, and Mr. Brady, the resident magistrate, subsequently came, and the girl as she will describe to you, being—at all events until the arrival of Mr. Brady and Mr. Bolton, being practically a prisoner in the house under terrible apprehension, believing the police had come to carry her off as her father had been carried off to jail. When she was questioned on this matter she said, and you gentlemen will make great allowance for it, and you will not discredit the story which she will tell you because of it, when questioned in this mysterious way, for it was not in a court of justice, but in this little hut turned for the occasion into a court of justice, no doubt, the child—not realizing the position, not being able to realize it, surrounded by policemen, with these two strange gentlemen, Mr. Bolton and Mr. Brady, certainly however looking and no doubt possessing kind and genial hearts—she not knowing who they were. She was guilty—if you call it an offence—that ought not, as I submit now, discredit her sworn testimony. She told them that on that morning she was not in the house at all ; she did so because she was under the apprehension she would be carried off to Galway jail on the spot. I will not weary you with the details of the interview with the police, but on her behalf and the prisoner's behalf, it is right to tell you that when she came to give an account under the apprehension of fear, she stated she was not in the house that morning. She did not do that which she ought to have done, if she were a cunning child, and did not fear telling a lie under the apprehension of fear. She made no attempt at an *alibi* for her father, but told them her father was there, and as regards herself she told them she had gone over to Glenflesk on a visit, and she stated so manifestly with the object of preventing her arrest. If cunning or skilful she would have denied the presence of her father. The circumstance of her telling a different story as regards him would be strong evidence, but she did not make any such case with regard to her father, but stated that he was in the house that morning, making no *alibi* for him. As regards the statement concerning herself being absent, you will estimate whether a contradiction given under such circumstances is such a contradiction as ought to deprive her testimony of credence, when she comes now, not making an *alibi* for her father from the breen, but placing him in the breen and telling the real truth, that he came out attracted by the shots, and rushed in when he saw the ghastly spectacle before him, and took no further part in the transaction. The police, who were very vigilant, and rightly vigilant, in trying to detect the perpetrators of this murder, had reason to believe that Kate Higgins was in her father's house on the occasion. They went to Mary Conroy, and she told what I venture to think everyone in that district and at that time would state, she told the police she knew nothing about it. That was not true. She was in the house that morning, but she told them that, because she was under an apprehension that if she admitted she was in the house she would be taken off to jail, and with the vivid imagination of childhood, possibly supposed she would be sent to the scaffold herself. The two girls were there on the occasion in the house of the prisoner at the bar, and it is a likely and probable story, that when they heard the shots, both girls ran out. Gentlemen, I have concluded my observations on behalf of the prisoner. I don't regret they should have extended to the length they have done, but it is a difficult and complicated case. In addition to the complications and difficulties of it, the life of a human being is involved, and you will pardon the counsel who placed in circumstances such as these makes no account of the time of the jury or the court, but never ceases in the fulfilment of his duty until he has satisfied himself he has brought before the jury every topic and consideration which in the calm of his study he would consider necessary. The facts I have mentioned, gentlemen, are my apology. I have to commit to you, gentlemen, after you have heard the evidence of these little girls, and after you have heard Mr. Adams, who will supply my deficiencies and omissions, for, gentlemen, I am sure I have overlooked many points which would tell in favour of the prisoner—I have to commit to your trust and your keeping, to your conscience and your honour, the life or death of the prisoner at the bar. Gentlemen, I have only one request to make, and

it is this—that in trying this prisoner you will discard from your consideration every one of these influences, every one of these circumstances which we found it our duty to yesterday bring under the consideration of his lordship. You will try this case according to the calm, unruffled law of the land, not by the law of menace or threats, whether they come from at home or across the water, and, gentlemen, with your verdict so pronounced my learned friend and I will be content.

Kate Higgins, an Irish-speaking witness, sworn, and examined, through an Interpreter, by Mr. ADAMS.

Ask her is she the daughter of the prisoner at the bar, Patrick Higgins?—She is.

How many brothers and sisters has she?—She has two in England, and two in America, and herself and one at home.

She has two brothers in England?—Two brothers in England.

And two sisters in America?—Yes.

Were the brothers in England, and the sisters in America last January, when the shots were heard?—They were a long time there.

And they were there last January?—They were.

Ask her whether in January last, at the time she heard the shots, did the family consist of her father, mother, herself, and her brother—that is her own family?—There was no one there but her father, her mother, herself, and Mary Conroy.

On the day she heard the shots, where was her brother at the time?—He was at Glentree with goats.

Where was her father when she heard the shots?—Threshing corn in the barn.

Where was she?—Drawing or carrying oats in to him.

Where was Mary Conroy?—Assisting her carrying oats.

Where was her mother?—Tying the oats for him.

Were these all the persons that were in the house?—That is all.

Did she hear shots?—She did.

When she heard the shots what did she do?—She went down to the garden for oats.

Was her father there in the barn?—He was.

After she came down for the oats, where did she go?—Herself and Mary Conroy went out to the back of their own house.

Did they go down the boreen then?—They did walk a distance on the boreen, unto the hillock.

When they walked to the boreen in the hillock, did they see anything?—They saw Matthias Kerrigan, his wife and his three children.

Did she see anybody else?—Nobody else, but the two men dead on the road.

Did she, after seeing them dead on the road, go back to her own house?—When herself and Mary Conroy saw the two men dead, they turned back, and she told her father and mother.

When she told her father what did her father do?—The father, mother, and two girls then ran out.

Where did he go to?—He went to the back of his own garden.

Was that on the boreen?—Yes.

Did he walk down towards Kerrigan's house?—He did, and he saw the Kerrigans and the two men on the road and he blessed himself.

After he blessed himself, what did he do?—She says, he went into the house, and said, let everyone mind himself, and God help us.

Did he then go back to the house?—He did.

Did her father before or after the shots do anything to the two men lying dead?—He did not.

Did she herself go down a second time?—To where the bodies?

Did she herself go down a second time to where the bodies were?—She did go down where there were some geese which were giving them some annoyance between the oats. She says she did not go past Kerrigan's, but Matthias Kerrigan told her not to go further or he would do the same thing to herself. She says she did not pass Kerrigan's house, that Kerrigan told her not to go further or that he would do the same to herself.

Did she then go back to her house?—She did.

Cross-examined by the SOLICITOR-GENERAL.

Where were you when you heard the shots first?—Down in the garden for the oats.

Does she know her own house on the map—is that like the house?—She says she does. She knows her own house, and she knows that (pointing to the model).

Is the back of her own house next the boreen?—It is.

And the front door round here?—She says the side the door is on is not next the boreen.

Is that where the barn is (pointing to model)?—Yes.

Where is the garden, down here or up there (pointing to model)?—Below, facing the house the garden is.

Is that the garden she was bringing the oats out of?—It was.

When she heard the shots, was she in the garden?—She was down the garden.

And after hearing the shots she went down on the garden?—She did, and brought back the corn.

Did she carry the corn on her back?—On her back.

In sheaves?—In stooks or sheaves.

When she brought it back, was Mary Conroy with her?—Mary Conroy was with her going for the corn and back.

And the two of them went back with the corn into the barn?—Yes, and as soon as they put the corn into the barn, they both ran out and saw the Kerrigans gathered together.

When she went into the barn with Mary Conroy was her father there?—Yes.

Where was her mother then?—Tying the corn for him.

What did she say when she went into the barn?—They said there were men behind at the Kerrigan's.

What men?—The men who were killed or murdered and themselves. They saw no one else.

Mr. Justice O'BRIEN.—Do I understand she made that observation before she went out a second time?

The *Solicitor-General*.—Yes. When she went into the barn and told her father about the men with the Kerrigans, what did he say?—He and her mother and themselves both went out.

All together?—Yes.

Where did they go to?—To the back of the garden.

Was that the same garden?—It was not.

Did they go out on the breen?—They did.

Was that immediately after she came up with the corn and told her father?—When she was going down with the corn she heard the shots fired; she returned to the barn, and the two girls went out by themselves.

When the two girls went into the barn the first time with the corn, what did she say to her father in the barn?—She told her father when she went in with the corn first that the Kerrigans were gathered together there behind, and two men murdered on the breen.

Was it when she went in with the corn she told that?—Yes, that she told her father the Kerrigans were gathered together, and two men killed on the road.

Is she sure about that?—She is.

Was it after that she went out on the breen with Mary Conroy?—She says the four went out on the breen when she told her father the Kerrigans were there, and two men killed.

Tell her to mind this. I am only asking her what she said the first time when she went into the barn with the corn?—When they went with the corn she said she heard shots; then herself and Mary Conroy went out on the breen.

When she said she heard shots, what did her father say?—He said nothing until she and Mary Conroy went out.

Nothing at all?—Nothing.

Did he go on with his threshing?—He did.

Never stopped?—He never did.

Never asked what the shots were?—They themselves suspected there was something wrong going on.

He never stopped threshing?—Yes, but they suspected something wrong was going on.

He never stopped from his work?—No.

Did the mother stay there too?—She went out with the others.

When she and Mary Conroy went out on the breen the first time, where did they go to?—They went out on the breen on to the hillock.

Show how far she went on the breen—show it by the trees on the model. Show where she and Mary Conroy went the first time? (Witness pointed out on the model the spot. Elevation in the breen).

What did she see from that?—She saw Kerrigan, and his wife and three children, and the two men murdered or killed.

Show where the two men murdered were?—There was one here—(pointing to the model)—and one here.

Solicitor-General.—Your lordship sees that?

Mr. Justice O'BRIEN.—Yes.

Solicitor-General.—Ask her which of them was here (pointing to the model)?—She says unless she told a lie she could not say; she was shaking in her skin.

Ask her was she examined here in court on Friday last?—She does remember.

Ask her was she asked to point out where the two men were on Friday last?—Her answer is, and did she not show it to you?

Ask her did she not swear both the men were lying together on that place—on the street?—Well, indeed, it was on the breen she said.

Did she point to that spot and say both of them were lying together in Kerrigan's street, on that spot (referring to the model)?—One she says was killed here (pointing to model), and the other killed here.

Convey this to her. Ask her did she swear both bodies were lying side by side at Kerrigan's street, at that point there (pointing to model)—did she swear that on Friday?—She says you did not put her to her oath that that was the spot they were lying dead in.

Whether she was put to her oath or not, ask her did she point out that place I have mentioned, on the table here on Friday last, and say that was the place where the two bodies were, and that they were lying together?—Her reply is, that one was at the end of the barn, and one at the dwelling-house; that is the truth.

Did she hear Mary Conroy examined here on Friday?—She did not.

Where is she living in town—in Dublin here?—She does not know the name of the house.

Is she living with Mary Conroy?—She is.

Is she sleeping in the same room with her?—She is.

Did Mary Conroy tell her since Friday that she swore one body was at the end of the barn and the other at the end of the house?—She did not.

Ask her did she herself, Kate Higgins, say anything on Friday about one body being at the end of the house?—She states she said there was one on the boreen—one near the house and one near the barn.

Does she swear here to-day that she swore that on Friday last?—She does.

Was there any person there at the time when she and Mary Conroy were out except the Kerrigans and the dead men?—There was no other person except the Kerrigans. They did not see them if there were.

Where were the Kerrigans standing when she and Mary Conroy were out?—At the back of their own house.

Ask her to point out where the Kerrigans were?—There (pointing to a spot on the model).

Ask her which of the Kerrigans were there?—Old Kerrigan and his three children and his wife.

At the end of the house?—Yes, on the boreen.

And none of them on their street?—Not one.

If they had been on the street could she have seen them?—She could not.

Did she swear on Friday last that all the Kerrigans were on their own street?—She did not; she swore they were on the boreen.

Did she swear that on Friday here?—She says she did.

What were the Kerrigans doing that time, when she and Mary Conroy were out?—They were doing nothing but standing there, for she says she did not remain long.

Was there anyone standing at the body of the boy, or the body of the man?—She did not see anyone.

Where was the little daughter, Mary Kerrigan?—She and the two sons, the wife and himself were there.

All out on the boreen?—Yes.

With the one body?—Yes.

Did she see anything with them?—She did not.

Make her show where the other body was?—(Pointed out the position on the model).

From where she was standing could she see it?—She could.

She and Mary Conroy went back then up the boreen?—They went with sack into the barn when they saw what they saw.

When she went into the barn to her father what did she say to him?—When they went into the barn she told the father and mother what they had seen, the Kerrigans being together and the two men killed, and she says the four then went out on the road.

Where did the four go to?—To the back of the garden.

Is that the same place?—Yes.

Or was it up nearer Kerrigan's?—No; they were too much afraid to go nearer Kerrigan's.

And just went to the same place unto the hillock?—They went back into the garden.

Tell her to point out on the model where the four of them went to?—(Pointed out on the model).

Does she know they were altogether?—They were.

Did they go out together?—They did.

Did they stay there together?—They did, a little while.

Did they go back?—They did.

Where was she standing when her father blessed himself?—By his side.

Where was her mother?—At her side.

Where was Kate Conroy?—At her side.

They were all close together?—All together.

Does she swear her father was not out on the boreen alone?—He was only out there once.

That is all !—That is all.

Was she with him all day ?—She was.

And during the whole of that time he was never out on the breen alone ?—Not black or white is her answer.

Mr. Justice O'BRIEN.—Does she say not black or white ?—She does.

When he went back to the barn what did he do ?—Nothing, but threshing oats.

What did she do ?—Carry up the oats to him.

Did she go on carrying the oats for some time ?—Yes.

And Mary Conroy too ?—Mary Conroy did not go out of the house from that until she left for home.

How many times did she go for oats before she went out again ?—Her answer is many a load.

Was that before she drove the geese ?—The time she went out for the geese was after the four of them went back to the barn.

How long was she carrying corn before she went out after the geese ?—She cannot tell how long, or how many loads.

Were the geese at the barn door ?—Yes.

And she went to drive them away to save the oats ?—Yes.

Where did she drive them to ?—She was driving them—she was going to drive them past Kerrigan's house until she saw what occurred.

She was intending to drive the geese past Kerrigan's ?—Yes.

Although she had seen the two men lying there before ?—Yes.

Where did she intend to drive the geese to ?—To drive them over the breen.

She knew the dead men were there before she went to drive the geese out ?—She did.

And that was the road she chose to drive the geese ?—It was.

Why did she turn back ?—She got afraid. Kerrigan told her to go back or he would do the same thing to herself.

How far did she go with the geese before she turned—let her show on the model ?—(Referring to the model). This is where she left the geese and turned home, for she was shaking with fear.

Where did she leave Kerrigan ?—Standing there in the same place.

Was the dead body there still ?—It was.

Where was the other body ?—Kerrigan and the son were putting one of them into a bag.

Where ?—(Pointed to the place on the model).

Was Kerrigan putting it into the bag there at the time she was with the geese here ?—He was.

Did she swear this moment that Kerrigan spoke to her from this (referring to the model), where she was threatened ?—She says she did not, but they were here when they were putting the man into the bag, when Kerrigan told her to go back.

Could she hear him from where she was ?—Yes, and that distance more.

That is as far again ?—Yes.

Did she see them ?—She did.

Whom did she see ?—Kerrigan, his wife, and his three children.

Does she mean Kerrigan and the son Martin ?—They were all standing there together.

What were they doing ?—They were putting the man into the bag.

Which of them was doing it ?—She does not know, but the whole of them were doing it ; but she saw the son holding the bag open and the father putting the man into the bag.

Where was the other man lying then ?—There at the back of the house on the breen.

Close to her ?—Yes.

And she saw the blood ?—She did.

What did she do then when she turned ?—She ran away home.

She left the geese there ?—She did.

Where did she go when she went home ?—She went to draw corn out of the garden.

Went back to her work ?—To her work.

And she was drawing corn out of the garden the rest of the day ?—Yes, until night.

Did she see anything more happen the dead man ?—That is all.

Did she see anything done with them ?—She did not.

Does she know where they went or what became of them ?—No.

Nor any of them ?—She does not.

The last thing that she saw was the son holding the sack open and Matthias Kerrigan putting the man into it ?—That is the last thing she saw.

She did not see them taken away ?—She did not.

Now ask her if she swore here on Friday that she saw Kerrigan and his son carrying the sack down past her father's house ?—She swore she saw one of them putting the body into the bag ; that was the last she saw.

Did she swear this—was she asked this question—“What became of the bag ?”—She was not asked.

Did she answer to me these words—"Kerrigan hoisted it on his son's back"?—She has no knowledge of it.

Did I then ask her "did she see that done"?—She asked first what did you ask her, and I replied "did you see Kerrigan putting the sack on the son's back," and she said not.

Did she answer to that on Friday last "I did"?—She gave an answer that she saw him putting it into the bag.

Did I ask her "what did the son do when it was hoisted on his back," and her answer was, "took it down the boreen"?—She has no knowledge of it.

Did I then ask her "did he pass her house," and she said, "he did"?—She has no knowledge of it.

Did I then ask her, "did you see it passing her house," and did she say, "she did"?—She has no knowledge of saying so.

Then she never saw it on anybody's back, and never saw it taken down the boreen, or anywhere else?—She knows nothing at all whatever about the matter, except seeing Kerrigan's son holding the bag open, and the father putting the man into the bag—that is all she knows.

From the garden can you see the boreen?—No, because the wall is between her and the garden.

Did I ask her "What became of him," and she said she did not know what became of him, the man she saw put into the bag. She was asked, "Who was with him when carrying the bag," and she replied, "His father." Did she swear that. Did she swear two of them went down past her house with the bag?—She has no knowledge of saying so.

She saw the one man lying on the boreen?—She did.

Did she ever ask what became of him?—She never did ask.

Nor went to work?—No.

Nor her father?—Very little inquiry she made of it.

Nor her father?—No.

Nor her mother?—No.

Nor Mary Conroy?—She did not.

Is she sure she was at home that day at all?—Quite sure

Did she ever swear she was not?—She did not; but the police came in to question her.

Ask her if she had been talking to anybody since Friday about what passed in Court?—She was not.

Not talking to anyone?—Not a word.

Did she ever tell anyone since Friday that she swore what was wrong?—She did not.

She never told anyone since Friday that she swore wrong because she was afraid of the police?—She did not; she stated they went into her, and questioned her.

She has not told that to anybody since Friday?—She did not.

Does she know Mr. Bolton, this gentleman (Mr. Bolton here stood up)?—She says, what knowledge could the likes of me have of him, except that we might be going about.

Look at the gentleman well (Mr. Bolton), and say whether she ever saw him before?—She does not know if she ever saw him.

Does she recollect ever seeing him here on Friday?—She does not know that she saw him at all.

Ask her was the gentleman made to stand up close to her on Friday?—She says there is not a man in the house she knows, with this addition, that she saw on Friday.

Ask her if that gentleman did not stand up before her on Friday?—She does not know if she ever saw him; she has no knowledge that she ever did.

Was she confronted with both these gentlemen on Friday last in presence of the jury?

Mr. Justice O'BRIEN—Ask her did she see that gentleman on Friday (Mr. Brady)?—She has no knowledge of it.

The *Solicitor-General*.—Ask her was she confronted with any gentleman here at all?—Some one did stand up, but she did not know who they are.

Does she recollect any gentleman being at her father's house on the 11th October with the police?—Many a gentleman, and many a police man, and many a one came in for a long time, and how could she know them?

Ask her had they a book like that with them (pointing to New Testament on table)?—They had not. It was not that kind of book they had.

What sort of book was it?—She doesn't know what kind of book it was.

Whatever book they had did she kiss it?—She did not, but she took it in her hand.

But she did not kiss it?—She did not.

Ask her did she pretend to kiss it?—She does not know; they never asked her to kiss the book. They told her to take the book in her

hand. They put her upon a stool between them, and she thought she would not be half an hour alive.

Ask her was there an interpreter there?—Yes.

Did she tell her story in Irish?—Yes.

Was it written down then?—She does not know whether it was written or not written. There was no sight stopped in her eyes she got so afraid.

Was it read over in Irish after it was written?—She cannot say whether it was read or not read.

Did she take the pen in her hand, and put her mark to it?—No; but they had a pen in their hand; they told her to put her hand on the pen. She would do anything they asked her she was so much afraid.

You can read this over to her in Irish afterwards—it is her original information?—I put it to her distinctly. She did say she put her hand on the pen, and she cannot say the reason.

She was so afraid she could not understand what she was saying?—Yes, and she is now also.

At this moment so afraid she does not understand what she is saying?—She is afraid.

Which was she more frightened then than now?—She was more afraid then as there was no one inside but herself.

And she did not know what she was saying?—She did not know whether she was sitting or standing.

She did not intend to swear what was not true?—She did not intend to swear what was not true.

She intended to swear what was true at that time?—She did not know why they gave her the book at all. She thought no one was bound to take the book until they came into court.

That was the reason, and she thought that at the time?—She did.

Was that the reason she told what was not true?—That is the reason she swore a lie.

Then she intended to swear a lie at that time?—She would do anything for them not to kill, murder or through fear. She has no knowledge of it from that day to this.

I will read the information, and you can ask her did she swear it. You can then translate it to her. Ask her did she swear this—(Reads information)—“The information of Kate Higgins, of Cloughbrack. I am the daughter of Pat Higgins (Long); I am over twelve years of age; I dont know how much more; I was at Glenflesk on the morning the Huddys were killed, at the house of a man named Stephen Collins, on a visit.” Translate that to her, and ask her whether that is what she swore that day?—(Interpreter repeated information to witness in Irish.)—She did not kiss the book; she did not swear it; she said she was at Glenlask, at the house of Collins.

Did she swear this—“When I left the house that morning, I left my father and mother behind me threshing oats.”—She said she left her father there at home, and the brother threshing oats. That is the way they took it from me.

Did she say her mother was also in the house?—She did.

Did she say she did not hear of the murder of the Huddys until the police were looking for them?—She did.

Did she know what she was saying, when she said that?—She did not.

Did she intend to tell the truth when she said that?—She did not know what she was saying. She would say anything they would ask so that they would not murder her.

Was that because it was not in a court of justice?—She understood it since—that she had no right to tell the truth, except when sworn in a court.

When did she understand that?—When she came here.

Who told her?—Herself, when she saw that book.

Ask, did anyone tell her?—No.

How did she see that book?—That the cross was not on it.

Is she quite sure the cross was not on it?—She is sure it was not.

Did she look at the book before she kissed it, to see whether there was a cross on it or not?—She did not kiss it at all.

Did she look at the book to see whether there was a cross on it?—She did, and there was no cross on it.

If there had been a cross upon it would she have told the truth?—If there was atself she did not know what she was saying.

Does she know Tom Higgins (Tom)?—She does.

And Michael Flynn?—She does.

Pat Higgins (Sarah)?—She does.

And Pat Mannion?—She does.

A *Juror*.—I beg your pardon. We want to know was she alone in the house when examined?

There were some other gossoons inside and they put them all outside and kept her by herself sitting on a stool.

Does she know Pat Higgins (Sarah) and Pat Mannion?—She says she does.

Does she know the other Mannion?—Yes, she says the son of Patrick Mannion.

Does she know young John Halloran?—Yes.

Did she see any of them that morning?—Not one.

Were they on the boreen?—She did not see them.

They were not on the boreen?—No.

Did Joe Huddy or any man call at her father's house that morning?

—They did not.

Nobody came to the house at all?—They did not.

Mary Conry, sworn, and examined by Mr. ADAMS.

Where do you live?—Cloughbrack.

What is your father there?—Pat Conry.

You live at Little Cloughbrack?—Yes, sir.

How old are you?—Sixteen or seventeen years.

Do you remember hearing shots any day last January?—I do.

Where were you when you heard the shots?—I was at Pat Higgins' house. I went up in the morning for his wife to card wool.

Was she ready to go back with you to card the wool?—No, sir, she was in a hurry herself.

What was she in a hurry about?—Tying straw for her husband.

Did you stay at Pat Higgins's house?—I did.

Did you stay there all day?—No, I didn't stay the whole day there.

Mr. Justice O'BRIEN.—What hour did you leave it at?—When I eat my breakfast.

Did you eat breakfast at Higgins's?—No, at my own house.

What hour did you leave Higgins's to go home?—At dinner time.

What hour is dinner at?—Faith, I don't know.

One o'clock?—I don't know.

Mr. Adams.—From breakfast to dinner time you were at the house of the prisoner?—Yes.

What were you doing there?—I was drawing oats from the garden into the barn with his daughter.

While so drawing oats did you hear any shots?—We did. We were going down with two loads when we heard the shots.

Did you hear two shots?—We did.

Did you bring the loads of oats up?—Yes.

After you brought up the loads of oats, did you and Kate Higgins go anywhere?—We went out on the boreen.

Where did you run to?—Up on the boreen.

Now, when you and Kate Higgins ran up on the boreen, what did you see?—We seen two men stretched on the ground.

Did you see any of the Kerrigans?—I did, sir.

Who did you see of the Kerrigans?—Matthias Kerrigan and his two sons and his wife.

Was Kate Higgins then with you?—She was, sir.

After you and Kate Higgins saw the two bodies, and saw the Kerrigans, did you go back again to Higgins's?—We did, sir.

When you heard the shots, where was the prisoner?—He was in his own stable.

That is what is sometimes called a barn?—Yes.

Stable and barn are all the same?—They are, sir.

And he was in his own barn when he heard the shots?—He was.

When you heard the shots you ran back?—We were going down with the load.

After what you saw on the boreen you ran back?—Yes.

Where was the prisoner then?—In the barn.

Did you tell him anything?—I did, sir.

After you told him anything, what did he do?—The four of us ran out and saw the bodies there.

Who were the four of you?—Himself, and his wife, and me, and Kate Higgins.

When you ran out, the four of you, where did you go to?—On the boreen.

What did you see?—We seen two men.

Did you see any of the Kerrigans?—I did, going between them.

What did Pat Higgins (Long) do, or did he do anything?—He put the sign of the cross on him, and turned into the barn again, and told us to mind our own business, and not to mind—

Did he go back again to his business in the barn?—He did.

Did you go back a second time to where the Kerrigans were?—No, sir.

Did you see Kate Higgins go out?—She did, but I did not stir any more.

You did not go out any more?—No, sir, only the first time.

To your knowledge, did Pat Higgins (Long) do anything to these men while they were dead?—No, sir, I did not see them.

Was he in the barn when you heard the shots?—He was in the barn.

Cross-examined by Mr. MURPHY, Q.C.

Of course you knew the two men were murdered that day?—I saw them.

Now tell me is your father a tenant of Lord Ardilaun?—He is, sir.

Were you at his house that morning?—At my own house?

Yes?—I was.

Did you take breakfast at your own house?—I did.

Was your father talking about a bailiff coming out that day, or serving any papers?—No, he was threshing also.

Very good. Now tell me did you at any time hear him saying whether he owed rent to Lord Ardilaun?—No, sir.

Nor whether Lord Ardilaun was suing for it?—No.

Or that any processes were coming out?—No.

You knew nothing about processes coming out?—I did not, sir.

You came across the fields?—Yes, sir.

A short little run, I suppose, from your house to Higgins's?—It is short.

Would you run across in five or six minutes there?—I would, sir.

Do you know where Corbett's house is?—I do, sir.

Is that nearer to your house than Pat Higgins's?—It is both nearly the same.

Down there just off the boreen—and you know where Macken's is?—I do.

You know Mick Flynn?—Yes.

He lives in the same village?—He does.

Just with you?—Yes, sir.

Is his house nearer than Pat Higgins's?—It is.

Did you see him that morning?—I did not.

Where does Tom Higgins (Tom) live?—It is nearly a mile away.

Did you see him that morning?—I did not. It is not a mile, it's about half a mile.

And you came across to Mrs. Higgins to get her to come over to your house to card wool?—I did.

And instead of her coming with you, you stopped there until evening?—I did, sir, nearly evening.

You were examined here on Friday?—I was.

And you saw that before you, and where the barn was?—I did, sir.

And you saw this field up here?—I did.

Do you recollect pointing out to me the hill up here where you stood?—Yes.

Where Kate and you stood?—Kate stood there, and I went inside the wall.

Oh, tell me, did you point out that field where you stood?—I did.

Did you swear that Kate and you went up together?—I thought it was all the same.

Did you say that Kate and you went up there together?—We did.

And was it not from up there you got a view of the bodies?—Yes, sir.

Did Kate and you stand there together?—We did, sir.

Very good. Now, when the father and mother came out, where did you stand?—On the boreen.

Just here (pointing to model)?—It was.

You didn't go up there again?—We did not—we had gone up there before that.

And you pointed out that you saw one body here and another there?—I did, sir.

Were Kate and you talking about what you were examined here?—No, sir.

Not a word—were you talking that you were examined?—We were.

Were you asked where you stood?—No, sir, I was not.

You were not saying that?—No.

Did you tell her you were asked where the dead bodies were?—Yes.

And that one was at the end of the house and the other at the end of the barn?—Yes.

Did she tell you where she said they were?—She did not tell me anything.

Was it she asked you where you saw the dead bodies were?—Yes.

And you told her?—Yes.

Did she tell you where she placed them?—She did not.

Did you tell her where you saw them?—I did.

Did she ask you did you see the daughter there?—No.

You did not see the little girl there?—No, sir.

And no man, but Kerrigan and his son?—No.

Kerrigan and the elder son?—That is all, sir.

There was no other man there?—No.

When you were going down to the corner you were listening to the sho's?—I was.

And a good many of them?—I was, sir.

Did you hear shots there at all the week before?—No, sir.

Nor for a long time before ?—No, sir.

What did you say to Kate ?—I don't know.

"It's like shots," says you ?—Yes, sir.

And did she say it was like shots too ?—Yes, sir.

And you said we will go down and bring in the corn, and see what it is about ?—Yes, sir.

And you went down for the corn and tied it up carefully in the ropes, and took a bundle each ?—Yes.

And all the time you were talking to each other—what in the world can the shots be about ?—Yes.

Can there be anybody in the shooting—was it ?—We did not know what it was.

Were you frightened ?—Yes.

You thought it was some bad work ?—No.

You didn't say a word about—maybe its the Huddys going that way ?—No, sir.

But you thought it was bad work ?—There were five or six shots, or more.

Was there a little stop between them ?—There was.

First, four or five shots, then a little stop, and then a couple more ?

—That's it.

When you came back you knew the barn door was open, was it not ?—It was.

And you told Pat Higgins that you heard shots ?—Yes.

And he said he heard them himself ?—Something like that.

And did he say, "What can it be for at all" ?—He did. He told us to run out of the barn —

He told ye to run out of the barn ?—He did.

Did he tell you what point to go to, or where to look to ?—He said to go to the boreen.

Did he tell you to go into the field ?—No, but we did go into the field.

How did he know the boreen was the place to see it ?—When he was listening to the shooting he thought it should be out on the boreen.

And he told you to stand in the boreen ?—He did, sir.

And to see what it was ?—Yes.

Did you come in and tell him ?—Yes, sir.

He never stopped threshing all the time ?—He did not.

You were awfully frightened when you saw the two dead bodies ?—We were.

It was the first time you had seen murder ?—It was, and we came back in a great fright and told him two men were murdered.

What did he say. Did you know who they were ?—No, sir.

Whether bailiffs or not ?—No ; we did not.

Did you see they were strangers ?—No.

For all you knew they might have been neighbours ?—They might.

He wished to know who they were ?—He did.

And what did his wife say ?—She said she did not know what people would be murdered.

But did she say she would wish to know ?—She did.

She would like to know whether they were neighbours ?—She did not know in the wide world who was in it.

And said he, let us all go out and see who they are ?—Yes.

You saw them ?—We saw the two men.

And she went out to see whether they were strangers—did she say whether they were strangers ?—No, sir.

Higgins was the only one who blessed himself ?—Yes.

When he went in, did he say, "I wonder who they are," ?—The whole day we were talking about them.

And did he say, I don't know what they will do with the bodies ?—He did.

Where they will bury them ?—Yes, sir.

Was he afraid they would bury them near himself ?—Yes.

And did he tell you to go out and watch whose bodies they were ?—His daughter was going in and out—I don't know for what—but I did not stir out.

You stood in the boreen ?—I did.

Did you hear her tell the father where they were taking the bodies ?—No, sir.

And did you or she at all go out to see where the bodies were taken to ?—No, she was going in and out.

You did not hear her saying they were taken on down the boreen ?—No.

Did you hear her say they were taken by anyone ?—I did not.

Now, tell me, Kerrigan was a next door neighbour ?—Yes.

Higgins was afraid the bodies would be buried in his ground ?—He was.

He did not, however, go out to see what was done with them ?

—No.

Nor did his wife?—No; he told her to mind her own business, and not to mind them.

At the same time he was anxious to know where they would bury them?—He was.

The police came soon afterwards?—Yes.

And there was a hut established there?—Yes, there was a school beside it to which I was going.

Did the police ask you, did you know anything of this work?—Yes, in my own house—Tom Finn did that.

The barrack was near the school?—Nothing but a big wall between them.

Tom Finn was striving to see whether you knew anything about it?—Yes.

And you told him you knew nothing about it?—I did.

Did he ask where you saw the two men on the breen?—No, he asked me, did I know anything about the murder, and I said, I did not. On the morning I was going down to Joyce's, and I met him on the road, and he would not let me down, and he said he had business with myself and my mother, and he brought me back to the house. He asked me where was my mother, and I called her, and I left a chair for him to sit down on, and left my mother and him, and went into the barn, and when he was done he came to me in the barn and asked me questions.

You heard before they were looking after the murder?—Yes.

And they thought you might know something about it?—Yes.

And you knew a great deal?—Yes.

Did you tell him you did not see long Pat Higgins that day?—I told him that.

On the day of the murder?—I did.

There was not a word of truth in that?—There was not.

It was, as you said before, a fine lie?—It was, sir.

What time did you go to school?—At ten o'clock.

But the school you went to was down to Pat Higgins?—Oh no, sir, not at all.

Did you go to school that day?—No.

It was to Pat Higgins's, you went?—Yes.

And you saw this little affair in the meantime?—I did. I told him I knew nothing good or bad about the murder.

Did your mother ask you what was Tom Finn speaking to you about?—She did.

And you told her you would not give him a word of truth?—I did.

And "you were right" said she?—She told me not to tell him.

Was your father speaking to you about it?—My father was in bed.

But afterwards?—I was speaking to him afterwards.

He told you not to tell?—He did.

Did any other person desire you not to tell?—No, sir.

Was it after Tom Finn, or before Tom Finn spoke to you that your mother desired you to keep your mouth closed about it?—After he went out.

And when you came home that day you told your father and mother that you saw the two men murdered?—Yes.

And they all knew it?—They did.

And when you were telling this to Tom Finn you knew that Pat Higgins was taken up for it?—I did.

And you did not strive to get an innocent man out?—I was afraid.

The man that blessed himself?—I don't know. I was afraid when I used to meet him on the road.

When your father and mother were talking, and told you not to say a word about the murder, why didn't they let you come forward to free an innocent man whom you saw blessing himself?—They did not.

Even to free him?—No, sir.

Mr. *Adams*.—There is one question we wish to ask Mr. Ryan, the engincer. The question I want to ask is whether the distance between the house and the out-house is not higher than represented on the plan.

Mr. *Murphy*.—From one side of the house to Kerrigan's barn is twenty-nine feet.

Mr. Justice O'BRIEN.—And the width of Kerrigan's house is sixteen feet.

The *Solicitor-General*.—And the gable of the house is four feet four inches, and the distance from one corner to another is seven inches and an eighth.

Mr. *A. N. Newton Brady* sworn, and examined by the SOLICITOR-GENERAL.

You are a resident magistrate?—I am.

Did you on the 11th October take an information from Kate Higgins who was examined here?—I did.

Where was that?—In her house at Cloughbrack.

Who was present on the occasion?—Her mother was in the house. It was a dreadful wet day, and there were children, I found out, on questioning them, belonging to some of the neighbours, present. There were some three or four children, besides Kate Higgins.

Was there anything done to frighten her in any way?—Not in the least; the girl did not appear to be in the least frightened. She gave her evidence willingly and without any hesitation.

Was there an interpreter there?—Yes, Constable Collins.

Did she kiss the book?—She did.

And her informations were read to her?—They were, first in Irish and then in English.

And when read over it was in Irish?—Yes.

And did she then express her agreement with it?—Yes, she touched the pen and said that was her mark.

And she perfectly understood it?—Perfectly.

What was the book upon which she was sworn?—The Bible.

Did she know what she was doing when she kissed the book?—Perfectly well.

As a matter of fact, was there a cross upon it?—There was.

A *Juror*.—Was her mother in the room with her?—Yes.

The whole time?—There is only one room in the house.

A *Juror*.—When we asked the question before we heard there was no person with her.

Mr. Justice O'BRIEN.—But that was the girl's evidence.

The *Solicitor-General*.—Was Mr. Bolton there?—He was; it occupied twenty-five minutes our remaining there, as we were sheltering.

Were you present on the last day when she was examined?—I was.

You heard her examined?—Yes.

You heard her asked as to whether she knew Mr. Bolton?—Yes.

Was there every opportunity of seeing you and Mr. Bolton?—There was.

She was examined by an interpreter?—Yes.

And she said she never saw you before?—She did.

Did you hear her say she had not been sworn before you?—She said she had not.

Did you hear her asked about the information in which she said she saw the two dead bodies?—Yes, she pointed out a junction between the barn and the street just here (pointing to model).

Was she asked distinctly and clearly more than once if the bodies were together?—She was distinctly.

Both at the end of the house?—I don't recollect that.

Do you recollect her saying anything about the bodies being carried away?—Yes.

What did she say?—She said one of the bodies was carried away past her house.

Do you recollect did she say who carried the body?—I cannot recollect she said she saw it carried along the borchon.

Mr. *Teeling*.—About what time of day was it?—When we went into Higgins' house?

Yes?—About one or half-past one o'clock.

Were there other parties with you?—Yes, Mr. Bolton was there, Richard Collins, and two other policemen.

Was Donovan the policeman there?—I don't know.

But at all events, in addition to you, and Mr. Bolton and the Interpreter, there were two policemen?—Yes, I would not undertake to say that there were not three. The policemen were there sheltering also, the house was very small.

And I take it for granted that these three policemen were in uniform?—They were in uniform.

In the place?—Yes, visible to the occupants of the house.

And to the girl herself?—Yes, that is not an unusual sight down there.

Brian Collins, Sub-Constable, R.I.C., examined by Mr. MURPHY, Q.C.

You speak Irish?—Yes.

You recollect being in the house of Kate Higgins, her mother's house, and her father's house?—Yes.

You recollect her being sworn?—I do.

Did you interpret what she said?—I did.

And what she said to Mr. Brady?—Yes.

Did you read it over after it was taken down in writing?—I did.

Did she express the slightest appearance of fear or terror?—None that I saw. She told her story without hesitation.

Mr. *George Bolton* sworn, and examined by the SOLICITOR-GENERAL.

Did you attend, on the 11th of October, at Cloghbrack, at the house of Patrick Higgins?—I did, with Mr. Brady.

At the time of the examination there by the interpreter. Mr. Brady wrote down the answers as given by the interpreter?—He did.

Who was in the house at the time?—Kate Higgins' mother was in the house, and there were other young children, young people in the room.

You heard her statement, that she was seated on a stool between Mr. Brady and you, and there was no person else in the house except a policeman?—I did; that is not true.

Was there anything done to frighten or alarm her?—I never saw a more self-possessed young lady than she. She showed not the slightest fear.

Did she understand what she was saying?—Perfectly.

Were you in the court on Friday?—I was.

And you heard her examined?—I did.

And you heard her asked about the position of the bodies?—Yes; she said they were on the slope, between the street and the breen, at the corner of the barn.

Did you hear her asked whether they were together or some distance apart?—Yes; she distinctly stated they were together. She said not one syllable about one of them being here at the corner.

You heard her describe about one of them being taken down the barn?—I did. She was examined by me in court.

Mr. *Teeling*.—The policemen were there?—Yes, there were policemen there. Some were in the house and some outside.

Some within the house?—Yes.

And some out?—Yes. We did not want to crowd up the house too much, and some remained at the door.

Then a couple remained in the room?—In the kitchen.

Where the deposition was taken?—Yes.

Mr. Justice O'BRIEN.—Did you hear that young woman, Kate Higgins, swear this on Friday, in answer to a question, "Who was with Kerrigan carrying the bag?—His father—the two of them"?—Yes, distinctly.

And "I did not see the mother, or little boy, or sister there"?—I did, my lord, distinctly.

"The two of them went down past the house"?—Yes.

A *Juror*.—Was any one turned out of the room when the child was being examined in her own house?—Certainly not.

Mr. *Teeling*.—But the two policeman were there?—

Mr. *Murphy*.—Don't answer that question. It has been answered five times already.

Mr. Justice O'BRIEN.—May I ask you, as a mere matter of curiosity, when were the people for the Maumtrasna murders committed to Galway jail?

Mr. *Bolton*.—I cannot remember, my lord.

Mr. *Murphy*.—There was a police hut erected near this place?—There was.

And policemen were going about in parties since this occurrence?—Yes.

Mr. *William Cornwall Johnstone*, shorthand writer, examined by Mr MURPHY, Q.C.

Did you report the proceedings of the court on Friday?—I did, with assistance.

Have you got a transcript of the notes taken?—I have.

And are they correct?—So far as I know, they are. The originals have been sent for.

Have you there the evidence?—

Mr. *Adams*.—Did you report this yourself.

Mr. *Johnstone*.—I did not.

Mr. *Adams*.—Then you may go down.

The *Solicitor-General*.—But the notes have been sent for?—They have.

Mr. *Murphy*.—We must just wait.

Constable *Evans* examined by the SOLICITOR-GENERAL.

You have been acting as interpreter here?—I was.

And on Friday last?—Yes.

Did you truly interpret the evidence of Kate Higgins as she gave it to the best of her skill and knowledge?—I did.

Do you recollect her being asked as to the position in which she saw the bodies?—I do.

Where?—In the street which she pointed out here (pointing to the model.)

Was she asked whether they were both together?—She was, and she said they were side by side. Those were the exact words I think she used.

Did she say that either of them was at the barn at the end of the house?—Not a word about it.

Was she asked where the Kerrigans were?—She said she saw father and son carrying a bag past her father's house.

That is not an answer to the question put to you—did she say where the Kerrigans were when she saw them?—I think at the back of their own house—I am not certain.

Did she say who carried the bag?—She said the father boisted the bag on the son's back.

The son carrying the bag passed her house?—Yes.

Did she say that distinctly?—Yes.

Did she understand the questions and answers?

Mr. *Adams*.—I object to that question. How does he know what was in her mind?

Mr. Justice O'BRIEN.—Did she appear to understand the questions that were put to her?

Mr. *Adams*.—I submit, my lord, the question is not a proper one. The witness cannot tell what impressions the girl may have had, nor could he look into her mind.

Mr. Justice O'BRIEN.—Suppose I ask you a question, and you give me an answer strictly applicable to that question, is not that a ground for inferring that you understood the question?

Mr. Justice O'BRIEN.—On what date were the prisoners for the Maumtrasna murder committed?

Mr. *Murphy*.—They were committed to jail on the 21st.

A *Juror* (Mr. Power).—I would like to ask the witnesses some questions, my lord.

Mr. Justice O'BRIEN.—Whom do you wish to ask them from, Mr. Power?

Mr. *Power*.—From several persons. I have sketched my questions out here.

Mr. Justice O'BRIEN.—Very well, Mr. Power. Who is the first witness you will take? Or, perhaps, if you tell me we will be able to satisfy you. What is the nature of your questions?

Mr. *Power*.—It is general information.

Mr. Justice O'BRIEN.—Capable of being given by whom? I might be able to answer you myself from my notes, if you let me know what information you desire.

Mr. *Power*.—May I submit this paper to your lordship?

Mr. Justice O'BRIEN.—Certainly, Mr. Power. The first question can only be answered by one witness, and he is not present, and may be answered by another—whether Patrick Higgins (Sarah) and Matthias Kerrigan were at the bog that morning. You can call Matthias Kerrigan and ask him did he see Patrick Higgins (Sarah), but he is not here himself.

Mr. *Power*.—I thought he was here.

Mr. Justice O'BRIEN.—No, he is not here. He was not examined as a witness. Do you wish to call Matthias Kerrigan, junior, and ask him did he see Patrick Higgins (Sarah)?

Mr. *Power*.—No, my lord, I wish to prove that young Kerrigan was at the bog that morning.

Mr. Justice O'BRIEN.—I see. You wish to prove it independent of the father.

Mr. *Power*.—Yes, my lord.

The *Solicitor-General*.—Patrick Higgins (Sarah) is at present in custody charged on complicity with this murder—being accessory to it.

Mr. Justice O'BRIEN.—You hear that statement of the Solicitor-General, gentlemen, made in his official capacity—that Patrick Higgins (Sarah) is at present in custody, charged with being an accessory to this murder.

Mr. *Power*.—I was not aware of that.

The *Solicitor-General*.—He is charged with being accessory to the crime.

Mr. Justice O'BRIEN.—Your second question, Mr. Power, is answered by the same answer. The third question is—is Bridget Kerrigan here—call her forward—a very proper one, and I am glad that question has been asked. I turned it a good deal over in my mind in the course of the last trial to see whether it was my duty to ask it, or whether I might properly ask it, without running the risk in some degree of prejudicing the accused. I determined in my own mind, if the Crown did not ask it, and if counsel for the prisoner did not ask it, I would not ask it. But it is an exceedingly proper question to come from the jury.

Bridget Kerrigan sworn, and examined through the Interpreter.

Mr. Justice O'BRIEN.—Tell her I have a question to ask her, for the information of the jury, and that she is to answer it truly. On the day of the murder why did she remove the blood off the breen?—For fear I should come, or the like of me, and take herself and all in the house.

You are a constable yourself, Interpreter?—I am, my lord, and she knows it.

Mr. *Power*.—Repeat her answer, Interpreter?—For fear I should come, or some one like me, and take herself and all that were in her house.

Mr. Justice O'BRIEN.—Now, gentlemen, are you content with her answer, or do you wish any further question in the same direction in reference to this point we are now on.

Mr. *Power*.—That will do.

Mr. Justice O'BRIEN.—Now tell her I want her to answer this question also for the information of the jury. Up to the day of this murder was she on good terms with Patrick Higgins (Long), the prisoner?—Not a bit between us—that's her answer.

Not a bit of difference does she say?—Not a bit of difference or taste of difference.

Mr. *Murphy*.—Ask her what relationship is between herself and the prisoner?—The prisoner is witness's first cousin.

A *Juror*.—On the day he was arrested was she on good terms with the prisoner?—She was on good terms with the prisoner.

Mr. Justice O'BRIEN.—Now, she told us there was no difference between the prisoner and herself. Now, while her husband was in jail was she still on good terms with Patrick Higgins (Long)?—She always had an eye on him because he done the job, or work.

Mr. *Teeling*.—Or job, which?—The work, sir.

A *Juror*.—We don't think that is a sufficient answer, my lord.

Mr. Justice O'BRIEN.—She says, gentlemen, she always had an eye to him because he did the work.

Interpreter.—Yes.

Mr. Justice O'BRIEN.—Had she any talk with him while her husband was in jail?—Nothing except to gossip when she would meet him on the road.

Mr. Justice O'BRIEN.—An ordinary saluting acquaintance?—Exactly, my lord.

Mr. *Murphy*.—Would you ask her, my lord, except for this matter of the murder, had she any quarrel with him?

Mr. Justice O'BRIEN.—Ask her, except for this murder, had she any quarrel with him?—No, my lord, nothing. She always had something against him for doing the murder at the back of her house, and as her husband was taken in the wrong.

A *Juror*.—Did he continue to call at her house during the time her husband was in jail?

Mr. Justice O'BRIEN.—Did she ever say he ever called?—(Juror.)—Yes.

Interpreter.—Very few times. She tried to mind herself and her children, but as there was none other but herself and her children there she was afraid something would happen to herself or the house.

A *Juror*.—Repeat that, if you please, interpreter?—He came in, but very seldom into her house while her husband was in jail. She had enough to mind herself and children, for fear anything would happen to herself and children; as her husband was in jail, there was nobody there but herself and family.

Mr. *Adams*.—Will you allow me to ask through the interpreter, was there any difference between her and the prisoner's wife?

Mr. Justice O'BRIEN.—I won't. If you show me there is any necessary connexion in a quarrel between two women and a charge of murder against a husband, it will be a different thing. I will not allow a jury to be prejudiced like that whatever the answer may be. The next question, Mr. Power, that you ask, Mr. Brady, the magistrate, can answer you, and I answered it on a former trial, as I could now. The question is, was Matthias Kerrigan released from jail before he gave his information. Now, Mr. Brady, you will be able to inform us how that stands—was he released from jail before he gave the information on which the Crown determined to make him a witness, and take his information.

Mr. *Brady*.—He was previously discharged as a suspect.

Mr. Justice O'BRIEN.—I know that, but I am speaking of the time when he was arrested, and before he was discharged.

It was before he was discharged?

How long before he was discharged was it?—Within a week.

Mr. Justice O'BRIEN.—Mr. Solicitor-General, do you wish to ask any other question in that direction?

The *Solicitor-General*.—No, my lord, I will leave the witness in your lordship's hands and the hands of the jury.

A *Juror*.—Why was he discharged?

Mr. *Murphy*.—He should be discharged.

Mr. Justice O'BRIEN.—He must be. In any case, after such a number of remands, he was entitled to a release. If he was remanded for eight days, and after that a number of times remanded, he should be released, for he was not then in arrest under the Coercion Act. He should be released. Don't you understand, gentlemen. You often see that a prisoner is remanded. Then there may be no evidence, and the magistrate may remand him again, but he rarely exercises the right to

remand when there are two or three remands before, unless additional evidence is forthcoming against a prisoner. If there is not the prisoner would be entitled to be released. The next question is this—did any of the Kerrigans notice when Tom Higgins (Long)—you made a mistake again there, Mr. Power—it is Patrick Higgins (Long)—returned to his own house on that day. You can ask him the whole question. You can see there is a considerable distance of space between Kerrigan's house and the prisoner's house. He might have returned without being noticed.

Mr. *Murphy*, Q.C.—In point of fact, they did not see him at all that day.

Mr. Justice O'BRIEN.—Do you wish, gentlemen, to have him asked did he see him at all that day?

Mr. *Power*.—Yes, my lord.

Matthias Kerrigan re-examined through the Interpreter.

The *Solicitor-General*.—Tell him he is already sworn and he is on his oath.—He knows he is.

Ask him, after he saw Patrick Higgins (Long) go away with the body of the old man on his back, did he see him again that day?—No, indeed, since he went off with the load.

Did he see him come back?—He did not see him at all that day after.

Mr. Justice O'BRIEN.—Mr. *Solicitor-General*, is there anything else on that point?

The *Solicitor-General*.—No, my lord.

Mr. Justice O'BRIEN.—Now, the matter I want to ask about is this, ask him did he see the girl, Kate Higgins, that day?—No; he did not see her no more than the man that was in India that day.

Did he or anyone in his hearing speak to her?—No one more than he spoke to the man that is in India.

Did he tell her to go away or she would be served in the same way?—Not at all.

Bridget Kerrigan, re-examined.

Mr. *Murphy*.—Ask her, after the Huddys were killed did she see the prisoner at all that day after—the same day?—She did not since she saw him committing the murder.

Matthias Kerrigan, re-examined.

Mr. *Murphy*.—Did he see Patrick Higgins that day after he went away with the body?—He did see him returning back.

Where?—He had plenty of time, he says, to go down to the lake.

Ask him what time he saw him coming back?—He was down in his own park or field when he saw him returning.

Mr. Justice O'BRIEN.—Was the witness down in his own park?—Yes, my lord.

What part of the park?—

Mr. *Murphy*.—Where was the witness when he saw him come back what part of the road was he on?—(Witness pointed out the position on the model). It was not in Patrick Higgins's breen he was in at all. He was down on the other side—on his own house. It was further up than there (pointing to model). There is a high hillock there.

And where did he say Patrick Higgins came from?—There was another hillock at Patrick Macken's and he was coming on drawing on his own house.

Mr. *Murphy*.—He saw them between the two hillocks?—Exactly.

What was he doing up there?—He was doing nothing. He was just going round the place.

Mr. Justice O'BRIEN.—How long was that after the bodies were carried away?—He has no knowledge of time or hours, but it was a good while.

Ask him one question—what was done with the load of turf he brought from the bog?—Nothing. He spilled it into his own house.

Into his house or barn, did he spill it?—Into the dwelling-house, my lord.

Mr. *Murphy*.—Ask him was it after the bodies were taken away that that was done?—It was after the bodies were taken away.

Mr. Justice O'BRIEN.—Is he quite sure about that, that it was after the bodies were taken away that the turf was spilled into his own house?—He is, my lord. That is the time it was put in.

It was in an ass's crate?—It was in baskets on asses.

Hanging over them?—On each side of the asses.

It was not in a crate?—In two crates, my lord.

And it was after the bodies were carried away, the turf was spilled out of these baskets into the house?—It was, my lord.

A *Juror*.—Ask him what was done with the empty baskets—are they there now?—Neighbours were coming up to the barn sometimes

and used them. They were there when they left home, if they were not taken away since they came up here.

Another *Juror* (Mr. *Whyte*).—Was he on good terms with the prisoner during the time his father was incarcerated.

Mr. Justice O'BRIEN.—Ask him was he on good terms with the prisoner during the time his father was in jail?—He did not come in often to them. When he passed him or met him he said, "God save you," or he said "God save you."

Mr. *Whyte* (Juror).—Ask him was he aware his father was in jail on a charge of murder?

Mr. Justice O'BRIEN.—He stated that.

Mr. *Whyte*.—Ask him was it not natural he would make this statement to the magistrate or policemen, knowing that. I would like to have that answered.

Mr. Justice O'BRIEN.—He stated that.

Mr. *Whyte*.—Ask him was it not natural he would state this to the magistrate or the policemen. I would like to have that answered.

Mr. Justice O'BRIEN.—While his father was in jail did he ever mention anything to the magistrate or police about the persons he saw committing this murder—first of all ask him did he mention it?—He did not, for he was afraid.

Mr. Justice O'BRIEN.—He did not, for he was afraid. You hear that, gentlemen.

Mr. *Whyte*.—Ask him was he not afraid of his father being hanged for this transaction?—Faith, he was.

Mr. Justice O'BRIEN.—Did he know of any evidence against his father on which his father would be in danger—any proof against the father, that he committed the murder?—He knew well there could be no proof against his father; but he knew well it could be proved that it was at his house the murder was committed.

Martin Kerrigan re-sworn and examined.

The *Solicitor-General*.—Tell him he is on his oath?—He knows.

Ask him the day he saw the murder and the day he saw Patrick Higgins (Long) go away with the old man, did he see Patrick Higgins again that day?—He did not see him that day after that.

Did he see him come back to his own house at all?—He did not, for he did not go out of the house.

Mr. *Bernard M'Dermott*, shorthand writer, sworn, and examined.

Mr. *Murphy*.—Mr. M'Dermott, did you as a shorthand-writer take down the evidence of Kate Higgins on Friday last?—I did, portion of it.

And have you a copy of the original notes here?—I have.

Now, could you find out this part—"The two men were on the ground when she saw them, but she saw one of them put into a bag?"—That is the answer. "Did she say her father went out of the barn?—She did." "And did he see the men when he went out—the two bodies?—He did." "Although one was in a sack?—The two men were on the ground when he saw them, but she saw one of them put into the sack." Do you see that now, Mr. M'Dermott? "Ask her does she still swear that when she was up at Kerrigan's street she saw Kerrigan put the man into the bag?"—Is that the point you want?

Mr. *Murphy*.—Yes; go on now, and read from that.

Mr. Justice O'BRIEN.—Is it the direct examination or the cross-examination you are going to re open.

Mr. *Adams*.—It is usual to read from the shorthand notes, my lord.

The *Solicitor-General*.—It will take a longer time to do that.

Mr. Justice O'BRIEN.—It is a mere technical objection, and no one knows that better than you (addressing Mr. Adams), and I know it myself, too.

Mr. *Adams*.—I know I have often better notes, and found a difficulty in reading them. Will your lordship have any objection to ask Mr. M'Dermott is this a literal transcript of his notes?

Mr. Justice O'BRIEN.—Certainly. Is it, Mr. M'Dermott?—It is.

Mr. *Murphy*.—Now read on, Mr. M'Dermott.

Witness read the evidence as follows:—

"Ask her does she still swear that when she was up at Kerrigan's street, she saw Kerrigan put the man into the bag?—She will, and she swears the truth. Then she went back and told her father?—She did. And then her father went out on the breen?—He did. And did he see the men then when he went out—the two bodies?—He did. Although one of them was in the sack?—The two men were on the ground when he saw them, but she saw one of them put into the bag. Where were they on the ground when she saw them?—On the street. Then does she swear that her father saw them on the street?—She does. Then how could he see them on the street if he was not up at Kerrigan's?—When you would stand at the back of her house

you could see the street of Kerrigan's and who were in it. At the back of the house?—That's what she says, sir. Did she swear this minute that her father was on the boreen?—And that is what she says now. And that from the boreen does she swear that her father could see the men on Kerrigan's street?—She does. Ask her would not he have to look through the house to see that?—He could not, he had no cause to do it. Does she know a man called Michael Flynn?—She does. Did she see him that day?—She did not. Does she know a man called Tom Higgins?—She does. Did she see him that day?—She did not. Did she see Patrick Higgins (Sarah), that day?—She did not; he might be there unknown to her. But she was up at Kerrigan's, and there was no one there but Kerrigan's family?—There was not. Did you see anything carried along the road—the boreen?—No, but she saw Kerrigan and his son putting a man into the bag. What became of the bag?—Kerrigan hoisted it on his son's back. She saw that done?—She did. What did the son do with it when it was hoisted on his back?—Took it down the boreen. Did he pass her house?—He did. Then she saw it passing the house?—She did. And her father saw it?—No, he was still threshing the corn in the barn. Then after blessing himself he returned to his business in the barn?—He did. And never came out when they were carrying the bag with the man in it?—He did not. Ask her did she see anything done to the other dead man?—She did not."

Mr. Adams.—Is not this beyond the point that is wanted?

Mr. Murphy.—Wait a minute. Go on now.

Witness continued reading—

"What became of him?—She does not know what became of him, or does not know who took him; the man she saw put him into a bag, and he went away—that was Kerrigan. That was carrying the man in the bag—who was with him when he was carrying the man in the bag with him?—His father. And the two of them went down past her house with the bag?—They did. Was the mother with them?—She didn't see the mother at all with them. Nor the little boy?—No. Nor the daughter, Mary?—No. Did she ever ask what became of the old man—the other man?—She did not. Nor her father?— Mr. Adams.—Oh she cannot answer that question. The *Solicitor-General*.—You forget that she has already sworn that she was with her father the entire day. (To the interpreter.)—She was not from him that day?—No. Not a moment from morning until night?—No, not at all. Did she ever ask what became of the bodies of the two men?—She did not."

Mr. Justice O'BRIEN.—That is exactly what I have on my notes.

Edward Caulfield Houston sworn, and examined by Mr MURPHY, Q.C.

Did you take part of that cross-examination in shorthand after Mr. M'Dermott?—I did, sir.

You commence—"Were the police there that evening"?—Yes.

I want you to go down a little to where a juror asks—"Ask her where—I am at a loss, my lord, to understand the difference between the boreen and the street." Your lordship then said to Mr. Russell, you were about to ask the same question yourself. This question was put to the witness—"I want to know where she saw the two dead bodies?"

Witness (reading).—"Mr. Russell (to witness)—I want to know where she saw the two dead bodies; was it in the street, or in the boreen behind Kerrigan's house?—In the street. Very well; does she mean by the street the yard in front of Kerrigan's house. Mr. Justice O'Brien.—Tell her to put her hand on it—on the street. The witness then pointed out the position of the bodies already described."

Were you looking yourself at the time?—I was taking notes at the time, but I got a glance at the place she pointed out. The house obstructed my view.

Go on then. Witness reads, "Now that is where she saw the dead bodies?—Yes, sir.

"The *Solicitor-General*.—Might I suggest to your lordship to ask if she says they were both there in the same place?—They were both there, she says."

That will do.

The *Solicitor-General*.—We now conclude, my lord.

Mr. Adams addressed the jury for the prisoner. He said:—May it please your lordship and gentlemen of the jury, it becomes my duty to address a few remarks to you on behalf of the prisoner at the bar, and, gentlemen, of course it is one of the painful duties of jurors that they have to listen to a great many speeches, and have to hear the same thing said over and over again. This case must be to you all a painful, a profoundly painful case, involving as it does the life or death of a human being, but it is also almost of necessity a tedious case, because while the facts are in a very small compass of space and time they necessarily are repeated over and over again. I will not weary

you with that conventional flattery which is paid to gentlemen who serve on juries that they are a most intelligent and painstaking jury, and so forth, but I think it is no flattery but the simple truth to say that every man in the box has listened to this painful case—and, above all, the queries put to you this evening most fully prove it—in a way that I think fairly entitles me to say that when you retire from that box to consider your verdict, it may be fairly said of you, as I am sure it would be said of any jury of Dublin gentlemen, that you will consider that verdict with as much solemnity, as much care, and as much anxiety, and as much consciousness as if it was the highest gentleman in Dublin that stood at that bar, and not a poor half-savage Connemara man, who does not even know the language in which the proceeding against him is being heard. But, gentlemen, I am sure also of this, that when you do come to consider the case, you will decide it not upon small verbal criticisms, not upon petty blunders, that may or may not have been made by witnesses in their answers to questions filtered through another language by an interpreter, no matter how fair or how capable he may be; but you are to consider it on the great head facts of the case, and not upon any petty mistakes the witnesses for the defence may have made, nay, any petty fibs they may have told you. If their story is substantially true, then, gentlemen, your duty is to acquit the prisoner without one moment's hesitation, but then if you believe also—and his lordship will tell you to apply to the case, that great canon of the English law that calls upon you to give the prisoner the benefit of the doubt, and at the risk of being hackneyed, any counsel in defending a man for his life, fails in his duty if he does not repeat that again and again to the jury—if the conclusion left upon your mind at the end of this most extraordinary case is a feeling of doubt, uncertainty, mystification—if you come to the conclusion that when deciding between the Kerrigans and the Higginses, which of them have told the truth—how much truth they have told—if you come, I say, to the conclusion that the slaying of the Huddys is, so far as the evidence goes, involved in shadow and in mystery, which can only be dispelled when the secrets of all hearts will be opened—if that is your conclusion, then the merciful law of England tells you that the prisoner must get the benefit of that doubt. You are sitting now, not in some mere civil case, measuring the one body of witnesses against the other, and determining which you think will outweigh the other. If a doubt is left upon your minds, an honest and reasonable doubt, your duty is to acquit that man. The Crown is bound to prove their case, not we to disprove it, and if the Crown has failed to prove their case, and if they produce evidence tainted and rotten beyond any that ever was produced in a court of justice then your duty is to acquit the prisoner. Gentlemen of the jury, one little detail I ask you to bear in mind. The names of the three Higgins have been mentioned. So confusing are these names that I myself have been over and over again confused. This man was actually called Tom Higgins instead of Pat, and I ask you to bear that in mind, for it is an important fact that the man standing at the bar is Patrick Higgins (Long), and against him there is not a tittle of evidence—not one shadow or particle of evidence except the tainted evidence of Kerrigan, who was trying here to take the rope off his own neck by trying to fasten it around the neck of his neighbour, and the concocted evidence of his wife and children, all trying to sacrifice this man in order to save their father. The question put to you is one pregnant with tremendous issues. It is no case of a man coming forward to give evidence—it is the case of a man, mind you, who saw this murder committed beneath his eyes. It is not the case of a man who discovered the facts long months afterwards, but who saw the murder committed under his eyes. His wife was there and saw it, and his sons saw it—his whole family saw it. He is himself arrested and taken off to Galway gaol, and the police discharged the other persons. They kept him in custody for nine months charged with what? I don't care what the machinery of the Act of Parliament was, but every one knows, for he confessed it himself, and his family knew it, that he was charged with the murder of the Huddys, and, gentlemen, when a change in the law came and severity was being exhibited to evil doers, when Matthias Kerrigan knew well the hour was approaching when he and his son would be standing at the bar of justice charged with the murder, and with a most tremendous case against him, then for the first time he said, "Oh, I am not the murderer; the murderer is Patrick Higgins (Long)." Then for the first time he tried to transfer the rope hanging from his neck to that of the prisoner. The police and the magistrates knew well why they held him so long and discharged other prisoners. It is one of the tremendous facts in this case. You must remember that on the day of his arrest, and for some time afterwards, Patrick Higgins (Long) lived in his native village of Cloughbrack. If this story be true, he knew that Matthias Kerrigan could hang him; he knew that Mrs. Kerrigan could hang him; he knew that young Mat Kerrigan could hang him; he knew that the little boy, ten or eleven years of age, could

hang him, and that sooner or later the little fellow would tell all he knew to the police. And where is he found? Living quietly in his own house at Cloughbrack. If he was the real murderer, and if the man in goal was an innocent man, and if he knew that Matthias Kerrigan was in possession of a secret that would doom him to the gallows as the perpetrator of a horrible murder during the cataclysm of crime that swept over the country; if all this had been the case, would he not have taken refuge in flight instead of returning to the little farm until the dreadful day came when by perjured evidence his neighbour had him borne out of his own house a prisoner charged with this dreadful crime. Is that the act of a guilty man, who knew there were four living witnesses who could hang him? You know this case is presented that this man was the agent of some of those desperate societies which have filled portions, especially of the west, with crime. It was proved in a case tried in this Court that the man charged was the agent of one of these associations. It is absurd to imagine that a person holding such a position—the head leader in an act of this kind, when £5 or £6 would have placed the recesses of America between himself and the man in Galway jail who could hang him, would have remained as he did, actually at the very locality of the murder, pursuing his ordinary avocations. There is no fact that is used with such just and tremendous force against a prisoner charged with any crime, as the fact of his having fled to avoid arrest. An old question, and it has often been put at the old trials, was—"Did he fly for it?" It is a good, it is a sound, it is a rough, but I say it is a sound question—Did the man charged with the murder fly for it? Did the man charged here with this murder fly for it? Did he not wait from week to week without moving an inch, unchanged, unaccused, unwatched, as far as we have any evidence, standing his ground in the full consciousness of his innocence until the day he was taken out of his humble hut. Now, let us look to the circumstances under which this man Kerrigan comes forward. He is in prison, charged with the murder. He knew that already, even according to his own story, there were dreadful facts against him. You know the way the Crown presents this. Kerrigans were smiling innocents; they were cooking their humble breakfast. A nefarious criminal slays a man almost at their door, and it appears, as far as I can describe, the Kerrigans went on eating their breakfast, and they appear to have certainly been less surprised than from their bucolic condition of purity and innocence one would have expected. It is a curious thing that where persons are so innocent, upon the facts they admit themselves—the Crown facts—in what a wonderful way, as Mr. Teeling showed you with such ability—all the proofs of guilt converge against Matthias Kerrigan. Before I return to that, I ask has the Crown placed all the information they had before you? Where is the car driver that drove the Huddys out that day? We are told that he is in America, but we have not had a particle of proof of that here. There is not a tittle of evidence that the car driver who drove the Huddys to the village that day, and who was the last man who saw them alive, is not forthcoming if the Crown chose to produce him as a witness. There is no evidence that any effort has been made to produce him—the last man, as I have said, who saw the murdered men alive. Now, what is the testimony given by Matthias Kerrigan and his family of the strange and inexplicable links which connect this man with the crime? As far as we can discover, except that some time in December, that almost a year ago—in January Pat Higgins (Long) had a process issued against him, which was given to old Huddy to serve on him. Now, there is no evidence that Pat Higgins (Long) was served with the process, and there is no evidence that he knew a process was coming to him. No. It is a remarkable fact that the evidence establishes that the only man in the village of Cloughbrack who knew that old Huddy was coming, and I say knew that he was coming that day, and that it was the last day for serving processes for the Oughterard Sessions, was Matthias Kerrigan, who lives in that house (house indicated on plan). At the door he meets Kerrigan, and the Huddys are murdered. A new bag of Matthias Kerrigan's is brought out, and the body of one of the Huddys is put in it and consigned to Long Mask. The wife of Matthias Kerrigan, that innocent woman, takes instant steps to sweep away the evidence of the dreadful deed that was done at her own door—"for fear," as the constable states to us, "I would come or the like of me to take them all away in the house." For fear of what? If they knew a murder was committed at their own door, was it not natural to expect that there would have been some outcry, or astonishment, or indignation, because the Kerrigans all presented themselves here as having no spite or ill feeling towards Huddy. Did you ever hear such a case as that? Before the blood was dry on the ground Mrs. Kerrigan is out with her broom sweeping away the traces of the dreadful deed "for fear the police would come and take away all in the house," was it not a remarkable fact that the first thing that struck her was that her husband and herself and everyone in the house was in danger? I ask you why? I

will tell you why, because it was her husband's arm that struck down the Huddys, and because she was the wife of the murderer. On what other natural supposition can we account for the rapidity with which the bag is hurried out of the house—not by Patrick Higgins (Long), for he is not there at all. The bag is taken out, and the blood swept away, and the body borne down to the lough, on the back of young Mat Kerrigan. Doesn't this surround the family with tremendous elements of suspicion, and particularly Kerrigan himself. If young Kerrigan was on trial, what a case there must be against him—that he actually carried the body to Lough Mask, and so his father being in goal openly charged with the murder, they made this desperate effort to saddle the crime on another man. They knew there was no way of saving themselves from the result of the occurrence, except to throw the suspicion of guilt on some one else, and the authorities in that anxiety to secure a conviction—God forbid that I should say they would knowingly put an innocent man on trial—but they were rejoiced to get this information from Kerrigan, and they arrest the prisoner, and let the real birds escape. Kerrigan tells you that he was not served with the process. Mr Teeling has told you the way of serving these processes. It is the same as serving a writ. He has two of each process—one with a half-crown stamp and the other with a six-penny stamp. When he goes to serve the process he shows the original and gives him the copy. There was probably some blundering on that old man's part as to the copies he brought out, but as to the originals found on the body of Huddy, the evidence goes to implicate Matthias Kerrigan, and to acquit Patrick Higgins (Long). You have heard there were three originals found. Now the possession in the hands of the process server of the three originals is evidence I submit, although not brought out, that the three copies were all served. I will first deal with the two other originals. If it turned out that two of the originals were actually served that day by the process server it would be a tremendous reason for believing that the third was served. There is no evidence that the two others were served, but it was open to the crown to sweep away this fact by showing that the two other originals were served. The defendants are Patrick Comer (Mark) and Thomas Hyland. It would be open to the crown to call upon them, and find whether they were served, but they have not done so. When the originals only were found on the body of the dead man the supposition is overwhelming that the third person, Matthias Kerrigan, the original against whom was found on the dead man, was also served. If you believe he was, what becomes of the case for the prosecution, for Kerrigan is not alone a perjurer but a murderer, for it must be his hands that struck down, and with a bullet from his revolver, unfortunate Huddy. I will now say a word as to the evidence of the Kerrigan family. Remember that they came forward here knowing that on the result of the trial depended the safety of Matthias Kerrigan's own neck, that if the case failed against Patrick Higgins (Long), his own was in jeopardy. You heard the witnesses called for the defence assailed with great severity by the eminent persons conducting the Crown prosecution here—cross-examined with great severity in little variations in their story, as of course they were entitled to do, but how, I ask you, are you to get over the tremendous discrepancy to be found in the story of Martin Kerrigan. I asked him on the table did he see the whole transaction, “Yes, I saw Patrick Higgins (Long) tumble the old man with a stone, and saw two others put bullets into him,” and the bodies carried away, and the whole thing from beginning to end. Ten weeks ago he was examined in Galway, and he told a story as different from the story he told on that table as night is to the day. “I am the son of Matthias Kerrigan, of Cloughbrack, I was at my father's house. The dead men were cold in the boreen. I heard shots. I was then in the house, and I went to the door. I saw Long (Patrick), I also saw Thomas Higgins and Michael Flynn there, I now see him, and point him out,” that was the story told in Galway, the drift of which was that he was in the house, that he heard shots and saw nothing of what happened except that he went out and saw the two corpses lying on the boreen, and his story here to-day is, that he saw the whole business from beginning to end. I need not say to you, that as far as Patrick Higgins (Long) is concerned—and it cannot be too often repeated to you—that not a single witness, to the slightest degree in my opinion incriminated him. The witnesses, with the exception of the Hallorans, never mentioned his name. Young Mannion says, “I saw Michael Flynn on the boreen, before the Huddys were killed,” and that is his evidence—no one but Michael Flynn. Old Pat Mannion says, “I carried the dead body part of the way to the lough. It was put on my back by Thomas Higgins (Tom)”—a man not on his trial, and by young Matthias Kerrigan, but the old man, 100 does young Mannion, say this man was there, nor mention his name. And from beginning to end, all the evidence of the Hallorans is in his favour, and I say confinis in the most wonderful degree, the story told by the prisoner's witnesses. They saw, says the elder

Halloran, immediately after the shots were fired, Patrick Higgins [Long], the prisoner at the bar, on the boreen, near his own house doing nothing. There is the whole case, and on the Kerrigan's testimony alone, you are asked to hang that man. You have the tremendous fact as to the condition of the body of Huddy—you are to say whether you believe that this weight of Galway rock taken from one of the ditches, and weighing I suppose, half a hundred weight—raised by this man, and dashed on old Huddy, striking him down, so that he does not groan, or even move after it—you are asked to say that this is a true story, although the doctor found no trace of marks on Joe Huddy, but the bullet wound. You heard the evidence of these young girls. I ask you to say whether or not you are of opinion that they told substantially the truth. They were as I have said, handled with great severity—far be it from me to blame the eminent men who conduct the case on the part of the Crown, but it would be a great mistake for jurors to suppose that there was really any reason for this severity that, with great respect, was shown by the Crown counsel towards these witnesses. Kate Higgins' evidence is impeached. If you believe their story there is an end of the case. If you have a doubt there is an end of the case—but a reasonable doubt. You can't do justice in this case unless you remember that these two houses—Kerrigan's and Higgins'—are very close together. This house is three lengths, or say four, from that house, and the other house is a length or a length and a half behind it—so that the whole scene, if a straight line was drawn from this house to the farthest off, it would be covered by about five lengths of a Connemara cabin, but separated by a hill, which is here as a matter of fact on the boreen. This girl is asked didn't she say the last time that she saw the bodies borne by her gate, and you are asked, and you will be asked to say that, because she says now she saw the body in the bag but not carried down the boreen, she is not telling the truth. You must, I say, treat this girl with fairness. You must remember that she is an uneducated, uncultivated, Connemara peasant, for whom the questions and answers have to be translated, and it is a most remarkable fact that in the very passages read by the Crown counsel to show she contradicted herself to-day, she did emphatically state that although she saw the body put in a bag, she did not see it carried down the boreen. She was asked did she see anything carried along the boreen? No; she saw Kerrigan and his son put the body in the bag. The serious consideration that I would suggest to you is—and I think it is well worthy of consideration—that she was speaking rather from what she heard than anything she knew of herself. On Friday she was asked did she see anything carried along the road. No, but she saw Kerrigan and his son put the body into the bag. You know the story of these girls. Is it a coherent or rational story? They don't seem to have known who was killed there. There is the old man in the barn; the two girls hear shots; they throw down the oats they have and go out. When this case was tried on Friday this plan was relied on, and it was said that those in the boreen could not be seen from these points—where the girls stood. The engineer, a man of great experience, set off ninety miles to Connemara, and reconstructed the plan, and built actually this hillock there in the boreen. Whether or not one of three men ever ran up the boreen is a matter not of the slightest importance. You have heard the story of these two girls. Both say they saw Kerrigan. Kate Kerrigan is interrogated by a policeman, and she states she knew nothing at all about it; but if it was not true that she knew nothing at all about it, she was merely doing what all the country side did, and what she states herself was a fine lie. Kate Higgins was examined, and you will judge of her evidence for yourselves. Now, I would not, of course, pretend that Mr. Brady, the Resident Magistrate, or Mr. Bolton, could be guilty of stating what they did not believe to be the truth, but they were going about from house to house trying to discover all they can. Listen to the account that little girl gave, and say whether you believe she is not telling the truth as to the absence or presence of the mother. I think her statement carries with it the stamp of truth. She was interrogated by the police; there were police in the house; and, as fair and generous men, I think you are bound to say that, in that little hour of peril she said an untruth, and a natural one, and I will explain why. She knew that her father was innocent, and that he was taken off to Galway jail. If she and her mother have concocted this story, what she would have said would have been, "My father was not at home at all that day." No, but she said "My father was at home, and I was away at Glenlask," showing that the idea that flashed through her mind at the time was "My father has been charged with murder, though he did nothing. If I say I was here, they will take me off to jail. I'll say nothing to save my life." If she was a perjurer or concocter, she and her mother would have had a bolder story to tell—that her father was two or three or four miles away that day. No, she says, "My father was here that day, but I was not, I was at Glenlask." I think that the story told by the little girl, Mary Conroy, of her having said something to the wit-

ness since last day, is a far more likely story, and far more deserving of credence than the wonderful story told by Mrs. Kerrigan and her sons, that for ten weeks preceding the trial which is to determine whether this man was the murderer of Huddy, she never said a word. These are the facts of the case. I am sure you will give to the case every consideration, and every care and attention, and I am perfectly sure that you will pause long indeed before you aid Matthias Kerrigan in his desperate effort to save his own life by trying to place the rope around the neck of an innocent man.

Mr. *Murphy* replied on behalf of the Crown. He said—Gentlemen of the jury, I am sure that during the progress of this very serious investigation that has been held before you, my lord, the prisoner has had every advantage that any man placed on trial on a capital charge could have or ought to have. Any witness that could possibly be suggested by his solicitor or counsel as requisite for his defence, or in any way calculated to throw light on his case, should be brought up at the expense of the public, and the expense of the Crown, if you like, and as also counsel should be employed for him at the same cost and at the same charge. Put out of your mind at once any idea that he labours under any difficulty, because that he is an Irish speaking man. Whether he speaks any English I don't know, but suppose he does not, we are aware, as has been manifested during the course of this trial, that his solicitor does; but indeed, gentlemen of the jury, I may say in all cases I have ever seen, in which a prisoner was on trial on a serious charge, he has always enjoyed what is a great advantage to a prisoner while his trial at least is going on, namely, the privilege of having his mouth closed. When he is before the magistrates when a charge is made against him he is at liberty to make any statement he chooses, he is at liberty, through his solicitor or by any other means, to suggest to his counsel anything that he considers may aid him in his defence, but he is not bound to, and it is a rule that is always observed by prisoners, he is not bound himself to utter one word, to give any account or any explanation of anything that may be urged against him. He can rely on the mere statement, I am not guilty, and by the law of this country, call upon those conducting the prosecution to bring home clearly and convincingly the guilt which they charge him with. And we must do that, I admit, by perfectly reliable secure testimony, testimony on which you not only may act on, which brings home conviction to your mind, and demand the conclusion that we say you shall come to of guilt against the prisoner. If we have established that by clear and cogent evidence to men capable of weighing the whole evidence, to give it the best consideration in their power, and to say under the solemn sanction they are bound to give utterance to from the jury box.—“The testimony that is here adduced brings home to us clear moral certainty of the guilt of the prisoner, such certainty as will demand us to act upon it if given to us out of the jury box in any of the important affairs of life.” If that is produced by any of the witnesses we have laid before you, you are bound to come to a conclusion such as I respectfully submit the evidence that has been laid before you in the present case inevitably leads to, and you are not to be turning aside and looking abroad for any little paltry means of escaping from the conclusion that manly reasonable exercise of sound judgment leads you to. After you have given the case the best attention you can, and acted on the judgment you are gifted with and have bestowed upon the case, your conscience is free, and with what the consequences may be afterwards you have nothing to do. I have said we must adduce before you evidence that we rely on as truthful. We cannot, as counsel for the defence said in his opening statement for the defence in this case, bring before you witnesses like the two girls that were produced here, not caring the consequences. Not caring the consequences. These were my learned friend's words. We cannot bring before you witnesses who have sworn on their oaths before they came on the table a story perfectly contradictory and in opposition to the evidence which they gave here on the table. We must bring before you truthful reliable evidence, and on that and that alone demand your verdict if that evidence sustains it. We cannot make rash assumptions even in any statement to the jury. We cannot venture to make suggestions utterly unsustained by the evidence, monstrous, irrational, and improbable. We would be going contrary to our duty if we made any such suggestion to the jury. Counsel for the defence are not only at liberty to do so, but their duty in conducting the defence demands of them that they should make every suggestion, no matter how unsustained by reason, if they think it will only catch any one of the number of your body. We could not put forward what was the ground of defence put forward by Mr. Teeling in this case for the first hour of his speech, namely, that there was clear proof of the service of the writ on Matthias Kerrigan in this case, and that the facts which are discovered with respect to the documents, after the death of Joe Huddy, establish that Matthias Kerrigan had been served with a copy of the writ on the 3rd January, and that being so served with a copy of the writ he denied it, therefore he was a per-

juror, and then he committed the murder. Gentlemen of the jury, a more rash, bold, and unfounded statement than that I never heard made by counsel conducting any defence, no matter how desperate—no matter how desperate. Kerrigan swears and all his family swear, at least that is the evidence at present. Now, mind, assume that he was served, that is the first step. You are to assume that he was served with a copy of the ejectment, and then to assume, that having been served with a copy of the ejectment, he himself murdered Huddy, and that all his family came to get him out of the difficulty. You are to assume it as a first step: next prove on that evidence, just because there is not a shred, a tittle, a particle of evidence of it. But I will show you what I most respectfully submit there is evidence of; how that, thought a small thing in the case and a small matter, is consistent with the guilt of the prisoner, or at least with the fact that Huddy was at his house, and that Huddy served him, and is not consistent with the fact that Huddy entered the house of Kerrigan, or his barn, if you like, and served Kerrigan with any copy of the ejectment. First, said the learned counsel, there was found on his body copies of which there were no originals, and some originals of which there were no copies; but the fact, said he, that they were copies without originals, you are first to take that as establishing that he was rather careless and neglectful that morning in leaving home, and in all probability he left a number of these originals at home, and did not bring them at all. Now, why are you to assume that, unless because the suggestion is made by counsel for the defence. There is not a tittle of evidence of it. On the contrary, from the documents found on the poor man after his death, it would appear to me that he was a very careful, methodical little man in the discharge of his duty, and that he did not undertake that journey, and make service in this district of Cloughbrack, or undertake that perilous work that proved fatal to him, without supplying himself with the documents which were the chief object of his visit to that district. For that they are established is beyond all doubt—that he had got, through the sub-agent in the office sometime before this, a number of documents, originals as they are called, with two-and-sixpenny stamps on them, and copies with sixpenny stamps on them. Where there were in a cabin under one tenancy two occupants of the house, or two under tenants there should be two copies, as each by the rules of the civil bill court required to be served with a copy. He appears just like a man going out to collect, I suppose with accounts to call at different places where he is to make the collection. He appears to have the documents folded up—just so (indicating with a paper) and the name of the person for whom the document is written just on the outside on the end of it. You can see that in the case of two or three documents that I have looked at. This is unfolded so (indicating by a paper) and “Luke Byrne” was written at the top of it just in pencil so that he would easily be able to take it out when he went to the house where he was to make the service. Now, gentlemen of the jury, this is a little remarkable, you have it in proof that he got the documents for service, original and copies, on the prisoner rightly proved, and you have it proved by his son that no such document, copy or original, was ever found in his house after his death. Now mind that. What became of them? He got them for service; he undoubtedly came as far as that (pointing to model) house on that day—the course that he should have observed in the ordinary course of business. His business then was to keep the original and serve the copy, and to endorse on the original that he had served the copy on such and such a day. Now that is his course of business. He was a long time I suppose at this work. He was engaged—a man up to, or over seventy years of age, and that has also to be considered lest I should not refer to it in another part of this case, my learned friend who last addressed you, said he was at liberty to assume that if there was a stone of half a hundred weight taken off the wall such as was deposed to according to the evidence, it would have crushed the old man’s skull. That is to be assumed in murdering what force it required from behind to knock down an old man of 70 years of age, or more. But, gentlemen of the jury, in the first instance—now just stop there. He got the original and copy for service on Pat Higgins, who, I suppose, knew that he owed three years’ rent as well as any other tenant, and who, I suppose, was just as likely to expect that he would be served, when the word went out that service was to be effected, and that it was known that the landlord was to take proceedings against the tenants on the property. Now, gentlemen of the jury, let me ask your attention to the map which is before you for an instant. And, in the first place, let me ask you to put out of your mind that suggestion that is made of—“Where’s the carman?” They might as well ask you, “Where’s the horse?”—or where the car is—to give evidence. It is perfectly manifest from the evidence given here that at the Clonbur road, a good deal to the east of this place (pointing to a spot on the map), where the Huddy’s were murdered, Huddy and his grandson left the car, and that they had never seen it again, and the carman had never seen them and never could have seen them alive—so that his evidence would not be of the

slightest importance if he was here no more than just being able to produce the horse and car itself. Now put that out of the case. He appears to have left the road, he and his little grandson, the young boy, to have proceeded where the car could not go to the house of Mary Walsh, where he had an original writ for her mother, the Widow Coners. Now mind this—He served with the original for the Widow Coner, copies, one for her, and one for Pat Walsh, the son-in-law, who was residing there with her. He effected the service there, leaving the copies and keeping the original, and if he only did just according to his duty or the custom of this man, endorsing on the original the service—served such persons at such a time—because that is evidence after his death, in case of his death;—that should be his custom to do—his mode of business; but he served the writ or the process at the Widow Coner's. Gentlemen of the jury, after his death there is not found on his body either the original or the copy for the house of the Widow Coner. Now you see where that is (pointing to map). From that he must have proceeded in the course of his business to the house of Patrick Moran. He there served for her husband, that woman, who was examined before you and who made such an exhibition of herself, when her evidence is contrasted, with respect to a word or two, as to what she stated in her informations. You heard the first evidence in which she was asked whether her husband and mother were at a funeral—that is the husband and mother—that is the mother of Mary Walsh—and she said they were. And then when she is asked was that, or was it not, the funeral of a man named Joyce, she replied that it was. And when asked was not Joyce's place, where the funeral was, five miles away she had to answer in the affirmative. Now, gentlemen of the jury, it occurred to me that that must have been in reference to some contemplated defence at the time as to whether or not some person, who was mentioned by the Kerrigans as being present at the murder, was not at Joyce's funeral, and that it might be important—and she was examined as to that and seemed anxious in every way she could to help the prisoner—and she was asked did she know whether it was about twelve o'clock and whether she thought he was at Moran's or at Moran's house—in order to show that a good *alibi* could be made with the funeral. But, gentlemen of the jury, she, as I respectfully submit to you, working upon that, wanted to say that she counted it morning up to one or two o'clock. Now, you know the customs of people, whether in town or in country, and what they count by the morning, and above all what they mean by early in the morning. Oh, when she said morning she meant to say that she counted morning up perhaps to one o'clock, or probably later, but certainly up to twelve o'clock. Before breakfast—oh, she would call that too early in the morning—but that when she did say what she did she didn't refer to it as early in the morning any more than that it was merely in the morning, and yet she is always accustomed to call early in the morning up to twelve o'clock! Now, gentlemen of the jury, Mary Moran, the wife of Patrick Moran, was not saying that without some object. When giving that contradiction of herself of her own testimony that she had sworn before early in the morning and there must have been some contemplated defence in reference to the fact of Joyce's funeral being five miles off, and whether or not it would have been three miles going by a short cut, and whether the short cut was not such a bad way as that no one would go by it. But, gentlemen of the jury, he effected service at Mary Moran's. He did leave the copy, and he should keep the original. After his death there is not found on the body either copy or original for the house of Patrick Moran. Now, mind you that. Mind you that. The originals he should keep after service; the copies he should leave. Neither original nor copy for the house of Patrick Moran is found on his death, no more than there is for the Widow Comar. You come on now to the other house that he was proved to have got documents for. He got documents for the house of Macken; he got documents for Conroy, the father of that *valuable* witness who was on the table there; he got documents for the prisoner at the bar, coming up now at last to where I started before. According to what she told us he should have passed Mackens, where he had documents for service, and in the ordinary course of business have effected service there; and he should have passed Conroys, where he had documents for service, and effected service there. We were only able to trace his course, perhaps accurately, by evidence to Comar's, and to this Widow Moran's, and then, going along the road, you see where Flynn's house is near to that road, between that and Macken's corner, where the houses of the two Flynn's are—where are the two houses of Patrick and James Flynn—what we call the main Clonbur road—he is seen there on the way over towards the house of John Moran where he should turn up to come to Michael Corbett's, Pat Macken's, and Pat Higgin's, and then to the Kerrigans and on, after the Kerrigans to the house of the Kynes. Now, gentlemen of the jury, there is not found on him, after his death,

a document, original or copy, for the house of Michael Corbett. There is not found on him a document for the house of Conroy, which is not marked on the map, but the evidence shows it—we only got it out from herself, that her father was a tenant—and the agent proved here, that he got a document also for service upon him, to call at his house there, before he came to Higgins's. And there is not found on him any document for that, nor is there found a document for the house of Pat Higgins. Gentlemen of the jury, there is found an original for the Kynes—Pat Kyne. There is found—

Mr. Justice O'BRIEN.—There were copies found for Pat Kyne.

Mr. *Murphy*.—Copies for Pat Kyne and Luke Kyne. There is found an original for Pat Macken, Martin Macken, and Pat Kyne; there is found an original for Mathew Kerrigan and for a person named Thomas Hyland.

Mr. Justice O'BRIEN.—And for Patrick Comar (Mark).

Mr. *Murphy*.—That is an original, my lord, if your lordship pleases.

Mr. *Teeling*.—Patrick Comar?—Yes.

Mr. *Murphy*.—Yes, and for Patrick Comar (Mark). Now, gentlemen of the jury, there are found there three originals with him, but, as I have said before the houses where we prove the service—the Comar's and Pat Moran's—where we prove the service—there is not found a trace of original or copy for either of the houses that he passed, and that he ought to have served on the way. It is the same thing at Conroy's, and there is not found a trace or vestige of original or copy for Pat Higgins, the prisoner. Whether he destroyed it immediately after the service, or that it was lost in the grab or ramsack that was made of where the man may have put some document showing that he had effected service cannot now be said, whether the rough grab that was made, was with the object of destroying the traces of all documents where service had been effected, and to leave with him only those where service had not been effected—can only be conjectured—but that the idea was to leave with him only those where service had not been effected is more consistent, whatever the use of making the explanation that is given for the defence, and on the assumption that the suggestion will be received by you—that it is clear that he went out without any document for service upon Pat Higgins, because indeed, he took some copies and does not appear to have taken the originals?—Perhaps the originals were all taken in the one grab that was made, and also the superfluous copies—for there must have been superfluous copies—and he could not, therefore, have any document for Pat Higgins, because there is not either original or copy. Gentlemen of the jury, he had them for the Widow Comar, and for Patrick Walsh, and they are not found with him, though he served the copies. He had them for Patrick Moran. They are not found, though he effected service. He had them for Conroy, though they were not found, though he would be in his way for service. He had them for Andrew Moran, near Corbett's, and they are not found, though it would have been his way for service. He had them for Pat Higgins, and not a vestige of them is found, though he came up undoubtedly to the house, and ought to have served them there. Now, what becomes of this pretended argument, for it was all just a mere assumption, contrary to the evidence, contrary to the proved facts—what becomes of this pretended argument, that you are to draw any conclusion against Matthias Kerrigan from the position of the documents, when, as I shall establish to you the evidence is that, if any assumption at all is to be drawn, it is that the documents that he had for Matthias Kerrigan were served, and that the original was taken from him after his death, because I prove it with respect to these two cases, where the service was effected before that; and all now I ask you to push this to is, not to push it against Kerrigan; but, if you are to draw any argument at all from it, it is this—that the facts that are established by evidence are, that they prove that he served at Comar's; is his proof that he served at Patrick Moran's—and that they show that it is quite consistent with what has been described, and prove that he did serve at Pat Higgins's, the prisoner at the bar, and I ask you to come to no other conclusion than that. And it is not consistent with what has been alleged, that he did serve at Matthias Kerrigan's. For this reason—that if he had effected service on Matthias Kerrigan, the service would be proved, not by the copy he left with any person which might be put into the fire and destroyed, but service would be proved by the original, and not by the copy, and it is the original which would be taken from him by the person who murdered him because he was out serving processes. Now gentlemen of the jury, what is perfectly patent in this case—what is perfectly patent now in the first instance in this case—and you will approach the case considering this, whether or not Huddy's arrival that day there—whether Huddy's arrival was not just as well expected as the coming of that morning was expected. Though the last day, I believe for service, I ask you whether his arrival was not expected just as surely as that the sun would rise; and that this murder was planned and arranged beforehand—and that two revolvers and persons to use those revolvers did not suddenly start up at any particular house,

because of his coming there with a process, but that it was a prearranged plan, and that there must have been more than one of the executioners chosen for carrying out the plan of the organization or conspiracy which ever it arose from. Now is there any doubt of that? Do you believe there is? Now let me consider the case first, apart from the evidence. I first show you what is established apart from the evidence of the Kerrigans—for an instant, I begin down here at the entrance, supposing, from the main road to this boren near Corbett's house, and on that morning a man named Michael Flynn who is charged in the same indictment with the prisoner as guilty of this murder, is seen on the boren by that young boy Mannion, and Michael Flynn speaks to him. By-and-by another man, named Tom Higgins, who is also charged in this indictment with the prisoner, is found by the elder Mannion about the same place, near Corbett's house, controlling and guiding what I may call the rear guard, acting as the rear guard of this procession after the execution wrought upon the poor Huddys. A man named Thomas Higgins—the Hallorans—heard shots. I apprehend they knew well that it was some bad work when they heard them. After putting some load of corn in, they go to an eminence in order to steal a look at what was going on; they see three or four men, and they see the prisoner Patrick Higgins, and, so far as they place him, they place him where there is a wall in continuation of this (pointing to model) one over here. They place him about there, and they see him there standing alone, no wife by him, no daughter by him, no girl Mary Conroy by him. As there they see him—I don't care whether his hands are down, or whether his hands are in his pockets, or what they are doing at the time—it is thereabout they see him, not up here (pointing to model) with three other persons just getting a hurried look at what was done. Now you know that the Hallorans, the moment that they heard the shots, ran to that point, and I venture to say that they knew it was something in connexion with rent. Now, we have the evidence of Halloran unassailed—unimpeached. We have the prisoner placed there a little before the occurrence, on the evidence of that young boy, that turns up only after the evidence of the Kerrigans. We have Flynn down here (pointing to model) before that, and a little after it we have Tom Higgins meeting the old man Mannion carrying the dead body of the boy in the sack, and when the young boy sank under it, or fainted, under the weight, insisting upon having the old man carry it, and shifting the burden to his shoulders, and pulling and dragging him, and using almost the same words to old Mannion that had been used to young Kerrigan according to their evidence. Here we have him directing the disposal of the body down to that point—Kerrigan, young Kerrigan, escaping and also old Mannion escaping, when he got another evidently a more ready aid in the man called Pat Higgins (Sarah) who took it away without apparently making any objection, and accompanied them to, I suppose, put it in what they considered would be its final resting place. Now you see this is independent altogether of the evidence of the Kerrigans. If they were all dead and gone, does it not appear to you from the evidence of the Hallorans, that there were three or four men there and that they were engaged in the assassinations. They knew the Kerrigans well; they were their next door neighbours. If they saw only their heads or back I suppose they could easily have known them. You know how easily you know a person with whose face, or appearance, or back, you are familiar—they could have known Mrs. Kerrigan, if she was there; they would have seen the little boy if he was there—or put him out of your consideration if he was not high enough—but they would have seen Mrs. Kerrigan and some of the others who were assembled. But then I say it is demonstrated that the man whom they could not at all identify a little on from them was the prisoner at the bar, in a place where he is not put at all by his own witnesses. Well, now, gentlemen of the jury, independently of the evidence, supposing it is said you were there, on the evidence of Halloran, "What brought you there?" "How did you come to be there?"—What account is given? He has adduced two witnesses. He knew whether these to whom he was making suggestions—whether they could give any true account of his movements; and has he not produced his daughter, as well as that girl Conroy, to give a monstrous, inconsistent and incredible account of the proceedings on that day. You first had his daughter. How does she stand? If you consider for a moment the circumstances under which the Kerrigans gave evidence; I ask you to consider on the other side under what circumstances the girl Conroy was asked, after the prisoner's arrest, to tell what she knew about the transaction; and under what circumstances Kate Higgins is asked to tell what she knew about the transaction. I will not reason with men who pretend to assume—who would pretend to their own conscience to assume—that the girl, Kate Higgins, was so frightened in her mother's house, that she did not know that a magistrate was there, that she did not see a cross on the book, and that in the story she told she might give an untrue account, but no regard is to be had for what she said, but every regard is to be had for what she states now, and no regard

is to be had for what she said on Friday last, and that her evidence is to be taken as true now, even if it has a few lies here and there. You may winnow them out where they just affect the cause of the prisoner, and only keep what else she states that may be favourable to him. Gentlemen of the jury, after the prisoner was arrested, a constable goes to the house of the girl Conroy—her father was a tenant on the estate, and he ought to have been served, as documents were given for him, and the house was in his line of march that day, but no documents were found after his death in his pockets, such as he would have had if he was allowed to retain the original, and serve the copy. The constable goes to her house when Pat Higgins, their neighbour and friend, is in custody on this charge, and she has the audacity to tell you that though she knew Kerrigan, who had given information against Pat Higgins, and who then had forfeited at least all sympathy in the country, who is sure to be looked upon with hatred and detestation—she tells you that when the constable asked her about this affair, she told him fine lies—in order, I suppose, to screen Kerrigan, and to leave Pat Higgins suffer, though an innocent man, who only participated in this transaction in looking on on a hill, blessing himself, and going back to his work. The blessing himself was touchingly introduced, as the only person of the four that resorted to it that, and I shall only say—perhaps he had most need of blessing on that day. What was the object of this girl, Mary Conroy, when the constable asked her on that day when she had heard, if you like, that the Kerrigans had given information, or had I suppose, is the phrase that would be necessarily applied, turned informer. and that her innocent friend was taken up—what object had she, instructed by her father and mother, and with their approbation, to keep back all the evidence that she had in the case, and to say that she had been at school at ten o'clock, and that she knew nothing whatsoever of the murder of the Huddys, and that she hadn't seen Pat Higgins at all that day? Was it because she had seen him, though she concealed it, and that she had so concealed it because she had seen him engaged, as I will submit to you, engaged in the work that he is proved to have perpetrated with others on that day?

Mr. Justice O'BRIEN.—Do I understand you to submit the date of that statement to be fixed by her?

Mr. *Murphy*.—Yes, my lord. She stated that the prisoner was arrested on Kerrigan's charge; that she knew he was arrested on the present charge.

Mr. Justice O'BRIEN.—On the present charge?

Mr. *Murphy*.—Yes, my lord. On the present charge, and after Kerrigan had given information, and the prisoner had been taken upon it. It was on the 18th of October, I think, my lord. Gentlemen of the jury—now, with respect to the evidence of this girl, Conroy, I know I am speaking to men who are as anxious as counsel for the Crown, to sift the truth of this case, and if she had only acknowledged that she was there when there was a policeman making the inquiry, it would not have rendered her testimony so utterly unreliable. And then Kate Higgins says there was no cross on the book, and that she didn't think she was bound to give her oath except in a court when saying what she was saying, and that she hadn't sufficient understanding of what she was doing, and was greatly frightened. You are at liberty to take all that for granted. Why if counsel for a prisoner is to be at liberty to address language of that kind to a jury, and expects it to go down, I think it is perfectly idle to talk to men who are satisfied to listen complacently to a word of them, or to admit such statements. He brings forward his daughter here as a witness, and she was, I must say, just as self-possessed a young girl as ever I saw on the witness table. You saw the way she watched the interpreter—the way she watched at times, having at least a sufficient knowledge of English to catch what the questions were—how ready and quick she was to fly at her answers, and anything that she thought she had said here last Friday that was a little perhaps injurious to the case that she wanted to make out, she was ready to give it a complete and absolute denial. Gentlemen of the jury, in the first instance, when she was asked before the magistrate—and I must say there never was a more revolting sight in court than her testimony, though as the learned counsel said in his statement, that if there is any case—in allusion to the Kerrigans only that I must say the Kerrigans would come forward—that if there is any case in which perjury is pardonable, and can be looked at as a comparatively mild offence with some eyes, with mitigation, or whatever the term employed, that it would be where the wife came forward to swear on behalf of her guilty husband. But, gentlemen of the jury, perhaps it might be said that at least the case of a girl—a young girl striving to get her father out of a difficulty that he is undoubtedly placed in when on trial, actually on a capital charge, is a case in which at least a good deal of strained evidence would be expected. But the wholesale and deliberate perjury that was uttered by that young girl was perfectly appalling. Deliberate and wilful, in the presence of her mother in the house, in the presence of the constables or the magistrate and Crown Solicitor, Mr.

Bolton, perfectly undismayed, perfectly in full possession of all her faculties, after giving those persons that idea, she said that there was no cross on the book, that she took the book in her hand, but she was careful not to kiss the book, and if she did kiss it she didn't look at it. She found it expedient not to take the oath, but to make all these "passes" in order to strive to avoid the result that she would be driven up to, as to whether she didn't swear positively so and so. Gentlemen of the jury, the fact is established clearly beyond all question, that she gave a full and deliberate account of her movements on that day—how she went in the morning to a place called Glanlask—how she went there to the house of a man named Collins, on some business or on a visit; how she remained there all the day, and how she didn't return until sometime in the evening. Now that was deliberately stated, and I would submit to you that the statement then made, which was, that she could not prove anything about the murder of the Huddys, was in all probability accurately true. Then, gentlemen of the jury, having denied that she ever—here on Friday last—that she ever saw these learned gentlemen, Mr. Brady and Mr. Bolton—that she had not put pen to paper, denying that she ever made the statement that she had gone to this house and so forth—she here comes and tells you now, after stating all this—that it was all false, and she considers herself at liberty to do so, because there was no cross on the book that was given into her hand, and which she didn't kiss. Now, she in one part of her evidence says she knew, when she was doing this, that she was telling untruths, but considered herself at liberty to do so, under the circumstances, but afterwards it was that she didn't know what she was saying, but that in her perplexity and distress she unfailingly particularised the visit to Glanlask—the visit to the house of Collins, the hour she left, the early breakfast—she was inventing all that in her distress and agony of terror! Now, gentlemen, if that evidence, deliberately and wilfully false, is brought forward by the prisoner here, he knows it to be false; he knew it should be false, and if he brought it forward or suggested that the girl should be brought forward as a witness, it was because he considered it necessary by deliberate false swearing to have his defence in this case established. But come now to another part of the case. She swore here on Friday last that she had come forward as far as this—(pointing to model.) The evidence then stating, in other words, that she might have seen through this hill, this bit of rising ground here; but when she was questioned then as to what way she could have seen the place, from the place she pointed out here—how she could possibly have seen the Kerrigans where she placed them in the street, and the two dead bodies—where she placed them on Friday last—side by side in that street, between the two houses of the Kerrigans—how could she have seen them. She insisted that she did, and that it was from that (pointing to model) that she saw them,—that it was there she got the first view of them; and that it was from there that she saw one of them put into the sack—that she then ran home, and that afterwards she saw old Kerrigan and the son going with the sack along the road, passing her own house and going in the direction which undoubtedly the bodies were carried. Now, is that a deliberate falsehood. You know, unless you are prepared to reject, to abandon all the rules by which human evidence is to be estimated, you must say it is utter falsehood. Both what she swore on Friday, just as what she swears to-day, is utter and inconsistent falsehood with the evidence she gave in Galway. This extraordinary occurrence takes place on Friday. After she was examined and cross-examined by the Solicitor-General, the witness Conroy, who was out of Court when she was examined, came on the table, and that witness Conroy—Kate Higgins having placed the bodies together, and having sworn where she saw them, to intimate of course that they were down or coming out together from the house of the Kerrigans where they were murdered, and that they were not murdered before they reached the Kerrigan's to effect the service—when she placed the two bodies up there (pointing to model), she thought that would be consistent—up here towards Kyne's, and she stated that both were murdered there, and that both had lain there, inventing this story, not being an eye-witness at all as I submit, not being at home on that day at all, not having seen or witnessed any part of the occurrence, and not having returned to her house until some late hour in the evening. But, gentlemen of the jury, that is the story she told us. She told us she saw the two lying there. She saw Kerrigans in the street. She was questioned again and again by the jury and his lordship—she swore it was in the street, and fixed the place where the two bodies lay together, and where she saw one of them being placed in the sack, and then she described the Kerrigans as going down in one body. My learned friend read a portion of her evidence. He told you that in her evidence she stated that she—"Did you see anything carried along the road of the borean?—No." Quite right, she was making that answer up to the time, but he stopped there. "But she saw Kerrigan and his

son putting the body into the bag,"—what she did. "What became of the bag?—Kerrigan hoisted it on his son's back." "Did she see that done?—She did." "What did the son do with it when it was hoisted on his back?—Took it down the boren." "Did he pass her house?—He did." "Then she saw it passing the house?—She did." "Did her father see it?—No, he was still threshing corn." She is asked what became of him, and she thereupon replies that she does not know, but she knows that the man carried the bag away that was with him. His father and two of them went down past her house with the bag they had. We see what she swore here on Friday. Then she swore that she never took an oath at all; that she never swore that information to these gentlemen; that they were never in her house, and that she never put her hand to the pen. That is all proved to be false, and now she places the bodies here (indicating on model). Gentlemen of the jury, after she was examined the girl Mary Conroy came upon the table. She had sworn that she and Mary Conroy had come out, and had stood on the boren, and that they never went to any other place. But Mary Conroy came, and she told this startling story, which I believe to be true, with but very slight variations. The murder of the Huddys was publicly known that day. The fact that they would be murdered must have been known to a good many persons, who prepared and perpetrated the murder, trusting that they would have the sympathy of those who carried it along that passage, and were able to press people into the service, whether they liked it or not—trusting to threats and coercion, and they had very little apprehension of any one daring to give evidence of the fact how both these two Huddys were murdered, and by whom on that occasion. Just consider for a moment, and consider how they must have trusted that no one in the district would dare to come forward and give evidence as to the perpetration of the crime; and, of course, that belief had been warranted by a great many occurrences that had taken place in the country. As to what my learned friend says as to any man who perpetrated this crime would it not be that he would get £5, and go away out of the country, off to another—I wish it was the case, and that after every assassination we were able to console ourselves with the idea that the assassins no longer cumbered the soil. But, gentlemen, I believe they move about, and have moved about, proud of the position they occupied, and in a great many cases, in perfect security after the perpetration of such a deed, after shooting a brace of bailiffs, or a landlord or two, as the case may be. Note this, the girl, Kate Higgins, left the table, and Mary Conroy was produced, who is alleged to have been with her, and Mary Conroy swore, and this is what I consider I am disposed to think has a good deal of truth in it. Mary Conroy substantially swore that at a particular time she was listening to the shots—very significant—listening to the shots. Her father and mother, according to her own account, made her conceal the knowledge of the murder when her friend, Pat Higgins, was not in it; so Huddy soon came out. It was known, or she had known, what was on foot. She stood listening; and, I suppose, actuated by curiosity, she ran out there at this point, and saw the perpetration of the deed. She put herself here (indicating on model) on Friday at that hillock; and, says my learned friend, when they said that they might have meant here, or here, or any place about here (pointing to several portions of the model in front of Higgins's house). This girl, Kate Higgins, had sworn they never left the boren, and that they stood there. Mary Conroy gives such an account as contradicts all of it. Mary Conroy swore that she went up there (pointing to the hillock), and that they took their stand there, and she said afterwards that Kate Higgins was there; but, according to the information she swore, this Higgins was not at home. Well, this girl, after listening to the shots, she tells us—four or five together, and a little afterwards two coming—all this she said to-day. Mark you, what an accurate account she gives what way the assassination was perpetrated. She took a view from there (the hillock), and she saw a body here (indicating on model), and just where the little boy fell with his head against the wall or so; and she saw another body here. She left, she said, and saw no more. Gentlemen of the jury, do you believe that only this one gun—that these two men were murdered by only this one man Kerrigan, who does state that he was there? Says my learned friend, you are to take this for granted: and because he was not served with the process, of which there is not any proof, he was there with his revolver and shot these two men, and did it without any assistance, without any combination whatever, or without any preparation being made for the disposal of the bodies, or for any person to assist him. Mary Conroy, his witness, placed these bodies here; and then an amendment was made in the evidence of that glib young false swearer, and she swears she did not place the bodies there on Friday last, and pointed out this place (indicating on model), and in the hearing of everyone in the court on Friday, while she placed the bodies side by side, now she swears the

opposite to-day. Why? Just because, as Mary Conroy told you to-day, I asked her, "Did she not ask you where you placed the bodies, and did you not tell her that you placed one here and one here (pointing to positions on model)?" and Mary Conroy told her that much. But, gentlemen of the jury, what would be the case now, suppose it rested there on the evidence of this girl, the daughter of the prisoner, who is produced, and who swears such an amount of falsehoods, here on Friday last, and here on the table to-day, it is utterly impossible to get out of that. Having every inducement to give information if this story were true against the Kerrigans, to tell at that time the father was arrested, she did not do, what becomes of the evidence, what becomes of the evidence of Mary Conroy, of the perpetrators of this deed, who having denied that she saw nothing done to the Huddys, knew nothing of the murder, and states that she was not at home on that day at all, and that she did not see him at all, good or bad, that day. Now, so the case standing for the evidence of the Kerrigans was wiped away altogether. Now, gentlemen of the jury, how does it stand with respect to the charge which is brought against the Kerrigans, for the case is this. Now, with respect to a reasonable doubt on your part, unless you come to the conclusion, I would most respectfully submit that the evidence establishes—that unless you come to the conclusion, that the evidence establishes guilt against the Kerrigans. It is impossible not to come to the conclusion that Higgins and the two others are the perpetrators of the deed. It is impossible to avoid that. In the first place, gentlemen of the jury, it is a terrible thing; that a whole family, you know every member is accused in a case of this kind. That a man might commit in a terrible passion the crime of murder, or being a murderer by nature, he might commit some desperate crime, and his family might strive to establish an *alibi* for him, although having nothing to do with it, I can conceive. That each of them might come up and strive to say, they saw some stranger, or other person of that kind do it to get him out of trouble. These are some ways that may occur to you, for families to act under such circumstances. But that is not the case here at all. The case here is that Kerrigan, father, Kerrigan, son, Kerrigan, the mother, and the little boy, that all are substantially joined in the assassination that day, and that they were all concerned in it. In the first place let us see how the men were killed. When Huddy was on the ground was he killed, or certainly after. It could not have been when he was—were there not those to work at him with revolvers? Four wounds are on his head and one on the shoulder. Of these wounds two are in the back; another fatal one entered the brain, and another in front under the brain. The man who fired the shots, and saw the fatal one enter the back into the brain—he had no need to go round and fire another fatal one at the other side in front. Each of them—for there were two assassins—must have seen the good work they had done, and how fatal the effects. Is it not perfectly certain that there were two revolvers working at that man, used by two hands—and that, having disposed of him, one at least went to the little grandson and fired two shots or bullets at him. Now, gentlemen of the jury, do you think that any one peasant so prepared and executed that? Do you think he only did that without being helped by some agents in the country—by some persons who were induced in the good cause to work this murder? Do you think it was his wife and children who undertook a business of this kind, and despatched it in this way? It is a significant fact, as I submit to you—for the prisoner at the bar was one of the agents selected, and knew, with others, how and when that murder was to be perpetrated; for the son was sent away off that day so away, and that the daughter, having sworn her information, was also away on that morning. Perhaps he had at least this much of human nature—he did not want to make the young son and the young daughter eye-witnesses of the assassination he knew was to be executed with his aid and contrivance; and when the two men of the organization I suppose were coming to perpetrate it near his house. Can you conceive that Kerrigan was there that morning with his wife and children, present perpetrating this deed, and that he came out here and killed Huddy there (indicating on model), and the son there (also indicating). The defence, indeed, is, that he had served a process on him, but if he struck them or knocked them to the ground at all it would be here. The young girl now when she was fixing the murder on him that was now perpetrated places, or fixes it in Kerrigan's street or in Kerrigan's yard. Now, gentlemen of the jury, you have the position of the bodies and, you have the evidence of the Hallorans showing that there were men engaged in it clearly and distinctly. The prisoner was down here (indicating) with his presence utterly unaccounted for he is there by himself at a place his witnesses endeavour to swear he never set foot on that day. After this foul deed was perpetrated the constabulary and their officers searched out as best they could where they, I suppose, by some hint or suggestion they got were able to come to the conclusion that Kerrigan must have known something

of the disappearance of the men up here, and that those men also must have known. They arrested these and they arrested several others also. But they localize at least the murder, and they made several arrests Kerrigan amongst the number. I ask you knowing something of the state of the country why or how is it unaccountable that his wife and his children apprehensive of their own lives, if they gave any information should not have fastened the guilt on another, and when now as one of them said although it might be brought to their place, no one could say a word against their father as having perpetrated the deed. According to the other evidence of Mary Conroy she knew who it was that did it, but she never uttered a word. Kerrigan is in custody under the "Coercion Act," and a time comes when some better state of things exist in the country, and some time in the end of August or September, another desperate deed of slaughter had been discovered, the persons were brought to trial on the evidence given by some peasants who had tracked out the murderers in their course. This country looking back on it is replete with evidence of persons who, looking at murders or knowing full well of them, have kept back the facts for years or months until it may be by the counsel given to them by others, or as I venture to say by some divine prompting they have come forward to relieve their souls from the terrible secret with which it is burthened. Many a time says this good woman, we spoke about its being too bad to have her husband in jail, afraid to utter a word. Surely you know that there would not be a murder lying undiscovered a fortnight after its perpetration, if the inhabitants were at all leagued or at all united in aiding the law, and in bringing criminals to justice—but these bodies must have been removed, they were removed in open daylight, but let us see what a perfectly unaccountable fact there is in this case, if we suppose for a moment that the Kerrigans were the perpetrators of the deed. That deliberate young girl tells me, that she saw the bodies here and here (indicating on model), and that she went up and down to the stack after hearing the shots, she came forth, and that she came as far as this, when Kerrigan told her to turn back, and that after one body was lying here, and they were altogether about it. Up here she put the other body, and then she brings it back again, and places it here (indicating on model), and then she swears to-day she never saw what was done, while on Friday, she swore that she saw a sack, and a man put into it. She mended her evidence here to-day, as to what became of the body of the elder man that was put by, my lord, and put by us in addressing the jury. She said then that she saw the father and son go down here past her house, with the body of the younger. Is it established that they would have gone down with the body of the younger, and left the body of the older man to take care of itself. She did not see them making away with anyone at all? Now, gentlemen of the jury, you are asked to believe that the Kerrigan family were the sole murderers. I believe, when she said that, indeed she heard the prisoner say, where will they be burying the bodies. Most strange that they went out to see whose bodies they were, but did not recognise it, and that old Higgins should have went back and blessed himself, but indeed he was apprehensive lest they would bury them on his ground, and fasten guilt on him or somebody else, some other innocent person. Gentlemen of the jury, is it not very wonderful that he would not look and see who it was they were carrying, and where they were carrying the bodies? It was not because, gentlemen of the jury, he was engaged in carrying them himself. Now, with respect to the Kerrigans, you are asked on no evidence—the facts substantially here being truly inconsistent to render it so truly inconceivable how or by what means these Kerrigans committed this murder and disposed of the bodies. You are asked on an unwarrantable assumption that he was served with a copy of the ejectment—on the strength of this unwarrantable assumption you are asked to believe and to say that the whole Kerrigan family became on that day a batch of amateur assassins, while you are not asked to prove anything with respect to the prisoner. Prisoner's counsel were at liberty to cross-examine the Kerrigans, husband, wife, and sons. The son that had grown up to boyhood and the little child. They were at least at liberty to examine these, the husband, wife, and son, who might, it must be supposed, be responsible for their acts to show that during a long part of their residence there one single act, but one single charge, but one single act of unkindness, that they had but one single shred of dispute with Pat Higgins, Michael Flynn, or Tom Higgins, or that any of these acts had marked their intercourse with them. They did not attempt to do that at all, it would be in vain to seek for it, and here I have a poor and humble family living a blameless life up to this date, in the little shieling or homestead they had inhabited all their lives. You will not jump to the conclusion unless you have clear evidence on the point. The disposal of the bodies by them was truly impossible, I say, under the circumstances to have taken place. If it was not the result of a combination these bodies never could have been disposed of—never could have been carried away only by a number who were engaged in the work, who took the bodies, rowed

out to the lake, got these tremendous stones and tied them. Gentlemen of the jury, it is stated that Mrs. Kerrigan washed or threw water on the blood on the road. What of that? The poor creature was naturally in terror with the thought that these two men had been shot almost at her door. She was in terror lest they should be all arrested, but gentlemen of the jury, if they were the perpetrators of the murder of this aged man and this young man would they not have been actively, industriously and carefully engaged in the disposal of the bodies. In all the wild suggestions or extravagant notions put forward by my learned friends, did anyone intend that you should believe that the Kerrigans—father and son—went down with these bodies, and that they disposed of them where they were found? But wait a moment. The Mannions' evidence was not impeached—look at this conclusive fact. To any perfect-minded man, who has brought to bear on this case ordinary knowledge, with which all must act, all must admit that this one fact is perfectly conclusive in the case—for, mark you—the Mannion's evidence is reliable. It is this—that when he had just reached a part of the procession Tom Higgins was the person who forced him into the service, that he was made carry the body, and that when that body was placed on Higgins (Sarah), that he, Mannion, and young Kerrigan fled home as rapidly as they could, so as to leave those who were concerned in this awful deed. Now, if you dwell on that fact, it is as clear testimony as could be given, that Kerrigan, father, son, and mother, had no more to do with this murder—with taking away the lives of the two Huddys than any of you, gentlemen, in that box had on the 3rd of January. Because if they had they would have buried the bodies in their own grounds or in the grounds of some other person, as Pat Higgins suggested would have been done. Did he expect that it was mere voluntary help they would get, that they would only take down the bodies to the public road there, throw one here and leave the other here, and to find that the good-natured people of Cloughbrack would make provision for the disappearance in the lake of the evidence of their guilt. Now that state of things, I hold, is utterly inconceivable to human reason that the Kerrigans if they were the perpetrators, and, mind you, it is alleged that Kerrigan himself was the sole perpetrator with these revolvers, and that he left the bodies for Matthias, indeed his son, to take them away, one in a bag. No; a man named Higgins (Sarah) one of the two now in custody, that man named Higgins (Sarah) undertook to dispose of the bodies in the lake that had been murdered in this way. Now, gentlemen of the jury, in addition to that Kerrigan is in prison, so that he has the greatest inducement to give evidence. We know that for the nine months he had been in, Higgins, his daughter, Mary Conroy or Mannion—not one of them had given a shred of evidence against the Kerrigans the whole time. Not one of them uttered a word. Kerrigan was charged there under the Coercion Act. It had passed away and now he was in prison charged with this murder and then he was discharged when in a fortnight or three weeks. When in prison he tells this story of this murder. Now, supposing he was the sole perpetrator of the deed and he wanted to fasten the guilt on others, I ask you, in Heaven's name, in the name of reason the reason that is given to you to judge by. I ask you what reasonable suggestion could be given why Kerrigan should make this charge against the other persons, one a man named Michael Flynn, who lived in another place altogether not very far off but still at a little distance, and against another man named Tom Higgins, who lives a couple of miles away from the place, and having made this charge against these men why should he bring into it his own or his wife's first cousin, who, according to the defence, had nothing to do with it at all, and who had never uttered a word against him, or, as has been stated, never seen him perpetrate the murder. I can understand him saying, "Oh, I will never get myself out of this. Who will I fasten it on?" and then looking out for some one man. But no, gentlemen, it was not so. This murder was foul and brutal. It was perpetrated by some agents of a hellish organization, but it is more foul and unnatural to suppose that the man who was lying in gaol under this charge would endeavour to throw the guilt off himself in this way. No person adduced or brought a word against him, being perfectly safe so far as the silence of all these interested were concerned that that person in order to get himself out in the first place should endeavour to make a victim to save himself, his wife, and his family—of their next-door neighbour, with whom he had never had one word of difference. Supposing that you conceive that possible that with the guilt of this enormous crime pressing upon him, in order to save himself, endeavours to throw this upon the man in the dock. Suppose you consider it possible that such a suggestion could be made, suppose that such a fiendish thought could enter his head, and that he could make up this story in the way described, I ask you what can be said as to his dreaming or thinking of bringing into it two other persons, Michael Flynn and Tom Higgins (Tom), for whom, if they were innocent, so far as he

knew, most conclusive evidence could be established that they were—well, say, perhaps, at the funeral of Joyce, or away in the distance some other place, and a hundred witnesses might adduce that they saw Tom Higgins (Tom) and Michael Flynn at some other place, and that he had no part in it at all. But no such thing is admitted, and now you are asked to believe that the Kerrigans entered into this foul conspiracy, and made it more complicated and more difficult by bringing into it two innocent persons, and bringing in Pat Higgins (Long), their own first cousin and their next-door neighbour, with whom they had no difference. But what is the story they now tell, bringing into it Pat Higgins (Long), their first cousin, conceiving this perfectly fiendish plot against his life, when his, Kerrigan's own, was not in danger, or even if it was in danger? What do they do? The story that they all tell you is this—and, mind you, it is relied on by the counsel for the defence—that the prisoner, Pat Higgins (Long), who came out and joined the “boys” who aided in the foul murder of these poor Huddys by men who, I suppose, were selected men for the work—that the prisoner, Pat Higgins, had no revolver, no pistol, and that he fired no shot. The other two men were there; they were two of the leading assassins, I presume, and they did their work. Why should Kerrigans, if they made up this story as it is alleged, why should they not say that Pat Higgins, the prisoner, their first cousin, did it all by himself. Suppose, now, for a moment, it was done by Kerrigan with one revolver, why would he not say to himself, “Let me say one did it as I did it?” But, gentlemen of the jury, mark you, there were seven shots in all—five in this poor old man, and two in the little boy. Why would he not say that Higgins came out, that he saw him with one revolver if you like, that he came out, killed these men, and then he came and took away the bodies. But, gentlemen of the jury, he tells you this, and it is a fact relied on, that Higgins came out and took a stone—and now, gentlemen, this is a fact relied on by counsel for the defence—that it would be impossible for this man to lift a stone, weighing at least half a hundred-weight, such as are in that district, and that therefore you are to cast this evidence aside; but gentlemen of the jury there is no such evidence at all—there is no evidence to support what counsel for the defence states, that it was hurled at him like a battering ram. No, gentlemen, they did not even venture to say that it was thrown at him at all. They could say whether he was struck with it, but I apprehend that the prisoner had not need of any—required very much force to knock down an aged man of over seventy years of age. And, gentlemen of the jury, it has also been said that there was no mark discovered on the body, but you must remember on a thousand different things. Was the blow intercepted by his, the poor old man's hand, or by some hard substance, or by his hat. Was it a sharp stone or a round smooth stone? It might have killed him without leaving the slightest trace, or perhaps, if given higher up would turn off his head, and might not leave a vestige if the body was examined the next hour. But, gentlemen of the jury, even if struck with a terrible blow that would have produced a great swelling, I should think that all trace of it would vanish when there was such a splendid process applied immediately to remove all inflammation away from the blow of the stone or by bullet wounds which must have bled profusely, and must have prevented any swelling from arising. Was there no advantage; could anything be more advantageous in disrespect than to place them down in the depths of Lough Mask. And, independent of that, we find that there is some discolouration between the shoulders. Ah! the body did not lie long on the road, it was taken away rapidly, I don't stop here to inquire by whom, but, as I have stated before, no other process could have been adopted by even medical direction, to secure against the appearance of swelling, than by that which the bodies received by being buried immediately in this lake of Lough Mask so rendering it impossible to find any trace that might have existed. They tell you then that he, the elder Huddy, was knocked down and the son after him, and that these two fellows, Tom Higgins and Michael Flynn, then fired two shots at the little fellow, and five bullets were found in the old man. There was no stopping you know to load; these weapons they used I suppose were five-chambered; I believe that is the usual size of them; one was still undischarged; and the little creature was running on when his life was taken away. They did not come to the house of Kerrigan at all. The little creature, running on, perished here. Kerrigan does not say Pat Higgins was there with the revolvers. Michael Flynn knocked him down, and fired, and Tom Higgins came up, and he was foully murdered.

Gentlemen of the jury, what do they tell you then—the cleaves were taken away. “Oh,” says my learned friend, “they knew that they could get their own sack.” Was there ever a word about the sack during the nine months, or until they gave evidence was there a word about the sack or its discovery? But having got the sack discovered was there the slightest trace or vestige of evidence to

bring home the sack to the possession of the Kerrigans? Did they make the case up against themselves when telling this story unless it was perfectly true—"the sack was got in our house, it was there to be seen when you entered the house"? Suppose their case had been all untrue, could they not have easily done without that statement without impairing their story? It was known that they might have cleaves, and the reference to the sack seems quite unnecessary, but what would be the object of introducing it at that time if it was untrue—when Tom Higgins could have got it out of his own house if it was really the case that he did so? But they say—"the sack was got out of our own house"—simply because it was true; and as for the cleave, after they took their turf out of the cleaves one of them could have been used, but it is apparent that Kerrigan is a man that is telling the truth, because he states that that was not done, and that the donkey was left standing with the turf all that time, and that the cleave that was used was got from some other source, and perhaps he was going back with it when Pat Higgins was seen there by the Hallorans—his head and shoulders seen at that place where his presence was entirely unaccountable, for unless he was dealing with the dead body at that time, and that he put it into the cleave then with the aid of Michael Flynn, and that both, and mind you, that is probably the case, and that they two took away the body of the elder man in front, and that Tom Higgins seized the body of the boy and threw it into the sack, and taking the lead of young Kerrigan with the burden on him carried the second body down the breen past the Kerrigans' house, though his daughter didn't see it pass. "Oh," says my learned friend, "Kerrigan, by his own evidence, cannot deny that the prisoner was not there. He does not, because at that time Pat Higgins had gone on in front with the body. It is perfectly manifest that that was the case, unless you suppose that the ground opened and swallowed up that body—or unless you suppose some unseen spirit came there, and wafted it down to the bottom of the lake, having this terrible weight secured about it. The only way in which that body was carried the only suggestion is that it was carried off by Pat Higgins and Michael Flynn, before the body of the little boy or child was removed from near the barn. Then we have this unwilling carrier. Of course, if he was taken there at the time there would be strong evidence against him. Of course there might, but gentlemen of the jury, he has reliable evidence that established his innocence, down at the very place. Poor old Mannion is seized—the father of that nice intelligent little boy who had seen Flynn on the street or little breen, early in the morning. The father just comes out of the house, and he meets these two on the road with Pat Higgins, the person who is also charged on the same indictment. It has been here objected that Kerrigan should be here permitted to give evidence against them. Well, if he was charged upon another indictment of being accessory to the fact, he could be examined against them in this case. But they bring Pat Higgins (Sarah) in to help after that, and the body of the boy in the sack is taken off old Mannion, and placed on him. Is not old Mannion's testimony reliable and unassailable, and unassailed as old Mannion's testimony is, it shows conclusively that the Kerrigans did nothing wilfully in the disposal of the body, and that they did nothing wilfully in the disposal of the body, because they had not any hand in the murder. For he tells you how young Kerrigan was there, and he says, "I was taken—I was seized by Thomas Higgins"—and how accurately it corresponds with the account given by the Kerrigans here as to the way in which the young fellow was pressed into the service—young Matthias—how he said "Come out here"—this was the word translated by the interpreter—"Come along with this; you must take this or else you will be sorry", or "not thankful"—I don't mind which; and Kerrigan is very glad to get rid of his ghastly burden imposed upon him, when it is placed on the old creature's back, and he is dragged along the road until he is tripped up at this place (pointing to model), by Tom Higgins, and putting the Kerrigans now as the sole perpetrators of this crime—it is placed by Tom Higgins on old Mannion—Flynn and the prisoner having gone on before—and when he staggers, after some time and falls on his knee the burden is transferred to a more willing vehicle, the body is given to Pat Higgins (Sarah) and they go on to join the others down at the lake. The bodies were finally disposed of together, and in some way carried out and placed out down some spot. Now stop there. When was the body of the old man taken? Is it not proved to demonstration that it was taken before the body of the child? Who was there to carry it after the Kerrigans ran away from the work, and when young Kerrigan and old Mannion ran back from that which they were unwillingly and reluctantly pressed to do in terror and alarm? And just as old Mannion gave no evidence through fear and terror up to the time that he was brought to give it under circumstances that you have heard; just as young Mannion did not speak anything about seeing Flynn that morning; just as Halloran seemed to have said nothing about the shots and about whom he saw until this all came to light, that the Kerrigans were able to tell the story, and to tell by whom it was carried in

the sack—and about Flynn and Pat Higgins' guilt—that the young man's body was placed in the sack, and the circumstances under which people were compelled to take that man's body along. It was under those conditions Mannion tells you he was obliged to say that Tom Higgins was there—that he was in the front leading the way during this time, and that there was a person left behind to bring up the after part of this assassination procession. Here they are found true and accurate in all things. If the Hallorans are unshaken in their testimony, it must be said that they saw Pat Higgins, and that they saw other men there. You have Mannion telling you how unwillingly he carried that body, and that it was certainly Tom Higgins, one of the chief assassins who made it be placed on his back. That young man is examined as to whether it was any person he saw but his neighbour, and all the witnesses must tell you that the prisoner was there that day, and that he was not at any funeral that day. Our story is true; test it in any way you can, the truth will prevail, and that we are not concocting this case by the aid of the real assassin's wife and children, as was attempted to be made out by the ingenuity of the prisoner's counsel. Now if you have that true case before you, what is your duty? I trust I am confident that you approach the discharge of that duty as intrepid men, and as manly, honest citizens, who owe a duty to your God and to your country, to rid this land, if you can, of the foul blot of assassination that has come upon it. These two poor creatures, in the faithful discharge of an humble duty towards their employer and master, were assassinated on that day. Don't talk about this as to whether this is the man who had the greatest motive for assassination, because of the fact that he only paid £4 rent, and that the land he had for that was his sole means of subsistence. What process of reasoning is that? I suppose if he had only £1 he would have had less to live on. It is not necessary to know how many acres he had, or how much he—by tilling and working on it—would make of that £4 worth of land as a subsistence for his family; or whether this man had the same land as another man, or whether his rent was less or more. We do not stop to inquire whether he had less or more, as a means of subsistence—we do not stop to inquire that. The motive was not sufficient, unless they were guided by some leading members of the assassination committee who gave the word that Joe Huddy, and whoever accompanied him should be assassinated on that day. The word had gone out, and in the discharge of honest duty, that deadly and foul deed, and foul murder was committed on that morning of the 3rd of January. The voice of your brother's blood crieth to you from the earth, as in the case of the first murder, it did unto the Lord on High. You are asked to do your duty—to vindicate that poor brother's blood that crieth to you from the earth. I trust that you will be guided by honest reason and good intrepid courage.

The Court then adjourned until next morning at eleven o'clock.

THE DUBLIN DECEMBER COMMISSION.

13TH DECEMBER, 1882.

County of Galway.

THE LOUGH MASK MURDERS.

THE QUEEN *v.* PATRICK HIGGINS (LONG).

The Hon. Mr. Justice O'BRIEN took his seat on the Bench in the Court House, Green-street, punctually at eleven o'clock, and resumed the trial of Patrick Higgins (Long), for the wilful murder of Joseph Huddy, at Cloghbrack, County of Galway, on the 3rd of January, 1882.

The Hon. the *Solicitor-General* (*A. M. Porter, Esq., Q.C., M.P.*), *James Murphy, Esq., Q.C.*, and *Peter O'Brien, Esq., Q.C.* (instructed by *George Bolton, Esq.*, Crown Solicitor), attended to conduct the prosecution; and

Charles H. Teeling, Esq. and *Richard Adams, Esq.* (instructed by *Patrick J. B. Daly, Esq.*, of Ballinrobe), appeared for the accused.

The jury having answered their names as follows:—Henry Shaw (foreman), Benjamin Warren, William B. Prescott, William White, junior, Alfred G. Jones, Captain Kearney White, Charles King, Robert Hatton, Joshua Bewley, Henry Smith, John Colclough, and James Talbot Power.

Mr. Justice O'BRIEN, proceeded to sum up the evidence for the jury. He said:—Now, gentlemen of the jury, the time has arrived when it becomes my duty to give you in this serious and important case such assistance as lies in my power, in order that you may arrive at a just and safe conclusion, upon the momentous issue submitted to you; and I really cannot say that that assistance will add very much in the way of aid to what your own intelligence will supply, because the question at present here is not any difficult, or embarrassing, or complicated question of law at all, but is a plain matter of ordinary fact to which the ordinary pursuits and avocations of gentlemen in your station and position have qualified you to solve as effectually as judicial experience or learning could. The question is simply whether this heinous crime, about which we are inquiring, was committed by the prisoner at the bar, or was—because the other branch of the proposition seems inevitable—committed by the principal witnesses for the prosecution. None of those questions of law which were referred to by counsel for the accused, in reference to accomplices, seem to me to have any application to the case at all; because first, if Matthias Kerrigan was, in the strict legal sense, an accomplice, supposing he was an accomplice either himself guilty of the crime or taking part in the crime with others, other independent evidence having the required legal quality of corroboration necessarily does exist in the case; and secondly, for the reason that he is alleged by the Crown and represented as not being an accomplice there at all. Therefore, you may leave all these questions about the degree or the legal quality of corroboration or confirmation—whether it exists or not in the case—entirely out of your consideration. The case for the Crown is, that the prisoner is guilty, and the case for the accused is, that Matthias Kerrigan and his family are guilty of the crime in question—not necessarily the case for the defence, but substantially and really the case from the evidence, because it is almost conceded, and must be a necessary argument, that Matthias Kerrigan and his family could not be guilty of this false accusation, unless that tremendous motive lay behind, of saving themselves from the consequences of the crime they had themselves committed. Now, the circumstances under which this charge came to be made has given rise to a good deal of discussion, and it is right that I should place the facts distinctly before your mind. The murder was committed upon the 3rd of January, and shortly afterwards the police, as might have been expected, made a swoop upon the entire locality. Facts entirely independent of what information could be obtained from persons in the neighbourhood, led the police to conclude that the deceased men, Joseph Huddy and John Huddy, had been in that locality, and had reached a certain point where their lives were lost, and they could easily have ascertained that—and did succeed in ascertaining it—no matter what obstacles arose from the taciturnity, or sympathy, or direct actual complicity in crime interposed in their way; and accordingly, amongst

others, Matthias Kerrigan was arrested, and his son was arrested. The prisoner himself seems to have been arrested either upon the same occasion or shortly afterwards, and many other persons, some of whom were retained for more or less lengthened periods of time in custody. Matthias Kerrigan was entitled to be discharged, and was discharged upon the 25th of February. I suppose he, having been detained a certain time, and it being found there was no tangible or direct evidence against him capable of being had, and the magistrate of course considering it was his duty not to detain him in custody, he was discharged; but he was immediately, or shortly afterwards, re-arrested under the summary power then given by law to the authorities to arrest and detain, upon the suspicion of crime, and he was re-arrested undoubtedly upon the charge of being reasonably suspected of murder. He was detained in that custody, upon that warrant, until the 11th of September, when on account of political or other reasons, or the approach of the time when the Act of Parliament that gave this power to arrest and detain without specific evidence, was about to expire, he was then discharged. That, as I have said, was on the 11th of September, and he was immediately again re-arrested upon the specific charge which had been originally made against him—not the general charge of murder but that of murdering the Huddys themselves; and his final discharge from custody took place upon the 25th of September. During that whole time he had remained silent, and made no accusation against anybody, and that is relied upon by the counsel for the defence—that Kerrigan had made no charge against the prisoner Patrick Higgins nor against any other person. To that the reply made by the Crown is this—if Kerrigan remained silent during that whole time so did others remain silent—so did the witnesses Halloran, who were in possession of information, and gave no information to the authorities; so did Patrick Higgins (Sarah), who had distinctly seen and witnessed the act of making away with one of the murdered men, and gave no information to the authorities; so did the younger Mannion, who had seen Flynn upon the road that day, apparently not engaged in any reasonable avocation, and gave no information to the authorities; so did the daughter of Patrick Higgins (Long), the witness who was examined here, and who gave her evidence here before you professing to know—because for the present I make no observation upon the fact whether she did or did not know—circumstances connected with this murder, and gave no information to the authorities. So did that other young woman, Mary Conroy, who was examined here. She, too, remained silent, and gave no information, and you really can have very little doubt, gentlemen, but that not merely the persons I have enumerated, but a great many others in that locality, well acquainted with many of the circumstances connected with this crime, kept that secret locked up in their breasts during that very same period. I can understand, even if that example and that result of wide-spread sympathy or complicity did not exist, I can well understand reasons of the strongest character why Matthias Kerrigan, even with the conviction of an innocent man upon his mind, remained in custody for that period of time, and never give any information to the police. We know sufficient of the state of the country, and of the state of the times, not to have present to our minds the belief that he was a safer man in jail accused of a crime than he would have been out of jail accusing others of it. In fact, if he were out of custody—if he had obtained his release by giving information during that period of time—his life certainly would have been marked. So that really no motive of any kind—no motive of any weight—can be suggested as prevailing upon him to remain in custody during that time, knowing that he was capable of making a charge against Patrick Higgins, which he did not make. As I suggested upon the former trial, and suggested upon this present trial, and as the evidence shows, he gave information to the police before he was released. No person, no witness here, could have answered the question suggested by one of the jury last evening, as to what the authorities would have done supposing he had not given that information. No one could tell that; it did not rest with the resident magistrate or with the police—it lay with the superior authorities. But he was entitled to be released, in point of law, if no specific charge was brought forward against him and maintained by evidence on oath, within a certain period of time, within a certain number of remands, for no magistrate will keep a man indefinitely in prison. Whether Kerrigan knew that himself is another question. He might have been entirely ignorant as to the extent of the power over him which the authorities would exercise, and he might have been under the impression that his indefinite detention in custody would have resulted if he had not given information, although in point of fact he had unquestionably a legal right to be released. But, now was there any state of things that would explain the fact of his giving information at the time that he did, independent of any such motive of procuring his own liberation. It is a matter of common experience and common information, not

resting even upon the evidence of witnesses, although there was some evidence given upon it in this trial—that certain events had occurred in the interval, and certain events had immediately preceded the period of his release and the period of his information, which tended powerfully to produce an impression upon his mind and upon the minds of many others. Another great crime, with which this crime by some point of connexion or other, may or may not be related—but another great crime, committed in the immediate neighbourhood of these murders, had in the meantime been disclosed—a great crime committed within a few miles of the locality or scene of the crime that we are now inquiring into. And the persons who are charged with that crime stood committed, or were arrested and committed, to the very jail to which Matthias Kerrigan himself was committed, and that crime and the circumstances connected with its discovery, and the fact that information had been given which had led to the arrest of a great many persons charged with that crime, was a matter of ordinary information which was certain to reach the mind of Matthias Kerrigan, and as the example of conspiracy spreads, and as the example of impunity spread, so also the example of information spreads, and if Matthias Kerrigan had heard that information had been given to the authorities of a great crime committed in his neighbourhood, for which by reasonable information parties were arrested and brought to justice, and that the whole thing was out, that was a motive highly calculated in his own mind to determine him to take the step he took, and to make a clean breast of the whole business. Now, I submit that to you as men of common sense, and as men who will form an ordinary judgment upon a question of this kind. He is released on the 20th September from Galway jail, and beyond all doubt it was not considered prudent or right in the interests of justice, and of the administration of the law, or with regard to his own safety it might be also, and that of his family, that he should return to his own home. He resided in Galway, and his whole family who had remained in this humble home during that long period of nine months in this grief and distress that his wife has expressed in simple and pathetic tones, lamenting and dwelling over the fate of her own husband—she, during that long period of nine months was, and her children were, in possession of the secret that could have released him if she would have been able to think she dared to disclose it. He goes to reside with them in Galway, and undoubtedly if the intention or design of Matthias Kerrigan was to make up a false accusation against other persons of this crime, the opportunities of communication with his own family did exist after that period. He himself had given this information to the police before he left their custody; he could not have seen his family or communicated with them, because communication with people inside a jail and those not in custody is always made in the presence of the officers of the prison. He had given his own information to the police before he left the prison, and if his object or design was to manage the matter so that all the members of his family should tell the same story, undoubtedly after he left the prison he had opportunity of communication with them, though not to the same extent that he would have had in his own home, because to a large extent he was under the surveillance of the police, who were undoubtedly always about that house in Galway where he and his family then resided. Now, a great deal has been said upon this supposed probability of the account of this crime being made up between Matthias Kerrigan and the members of his own family, and I have upon that point to offer to you an observation to which you will give such weight as it seems to deserve for the concurrence of your own judgment. If persons in the condition of life of the Kerrigans have a civil demand, a demand in relation to money or property to establish in a court of justice, nothing is more likely than that they compare the accounts they are to give as witnesses. Nothing is more likely than that. But, on the other hand, if they are to resist a demand in relation to property, and many of the members of the same family are to be examined as witnesses, it is also very likely that they will talk about the matter, and compare the evidence, and the account they would give. Take another case. If they, or any member of their own family, is charged with a criminal offence, and that a defence is to be made by evidence against it, in that case it is also not unlikely that the witness to be examined, in order to obtain the release of their friends from that charge, are very likely also to compare their testimony. But I submit to you as an observation that occurs to my mind, partly the result of my own experience and observation, and submit it as far as it meets your concurrence only, that if witnesses are to be examined for the Crown—merely for the Crown—and a trial in which the result of what they themselves have no direct concern, it would not be at all likely that all the different witnesses to be examined by the Crown who make their informations which are taken down before the magistrate—it is not at all likely that they would show the same

zeal or the same desire to make the story of one agree with the other, and compare notes in order that the evidence would agree when they came to be examined on the trial. Now, each of these persons—in addition to that observation I have to call your attention to this fact—each of the witnesses stated that they did not tell the story to each other, and they gave as a reason one that is at least a natural one. The son, or the two sons, and the mother, when pressed with the question whether or not they were speaking about this matter, and talking about it to each other—each of them gave an answer which is almost exactly similar, as to what necessity there was for it, “didn’t they all know it themselves”; and if their account of the matter be true here—that they were all eye-witnesses of the transaction; undoubtedly that would be a true and just reason. Now, let me pass away from that part of the case, and proceed to call your attention to the circumstances immediately preceding the commission of this crime, the nature and circumstances of the crime itself. This man, Joseph Huddy, was a bailiff employed by Lord Ardilaun, and some day previous to the 3rd January he had received from the agent of the estate a considerable number of ejectments to be served upon the tenants of Lord Ardilaun. The average rent owed by them was, as Mr. Good, stated, three and a half years rent, and even if these ejectments had not been given out it could not have been unknown in that neighbourhood that Lord Ardilaun had at length after long acquiescence and long patience, determined to enforce his rights as an owner of property against the tenants of this townland. Now that could not possibly be unknown. Matthias Kerrigan’s wife stated that the agent of the estate told her that the intention was to serve these ejectments, and you will have little doubt but that every person in the locality was in possession of the same information. That day was the very last day for the service of these ejectments, or about the last day—I think it was the last day that the ejectments could have been served, and Joseph Huddy left his own house, which was nine miles distant, travelling along the Cloughbrack road, where he had probably been seen by a great many persons connected with the estate as he went along for the purpose of serving the ejectments. He was acquainted with all the legal requisites and formalities. He was a bailiff, and had very often, I suppose, been examined in courts of justice, and knew that he was liable at any time when the service of the ejectment came to be proceeded upon, and the case heard, to be subjected to strict examination as to his compliance with all the legal formalities, and was amply prepared for the exact fulfilment of his duty in that respect, and, therefore, I dismiss at once as utterly incredible, utterly untenable, utterly unworthy of the least credence of any kind, the assumption that he had neglected any of the matters necessary for the due performance of his duty—that he had left copies behind him or left originals behind, or that having received the ejectments from Mr. Goode, he left some of them behind and had not brought the rest with him. He was travelling a distance of nine miles, upon the very last day for the service of the ejectments, to recover Lord Ardilaun’s property if the rent was not paid, and it is absolutely inevitable, as necessary a conclusion as any can possibly be, morally and absolutely certain that that man, who was a bailiff and knew his duty, went upon that occasion without the ordinary means of performing that duty, and that he was not likely at some future time to undertake a journey of nine miles to do what he should then have done. Now the body of Joseph Huddy is raised from that lake, and documents are found upon him which are of very great importance—six different documents, three original civil bills, one for a person named Patrick Comar (Mark), another for a person named Hyland, and another for the witness, Matthias Kerrigan. There were three original civil bills. Three copies are also found upon him, without originals, and these copies of course were not served, because according to the ordinary course, the copy would have been served and the originals retained. Now, what do we find? In the performance of that duty he had to traverse a considerable space of ground. He had served these ejectments, according to the evidence, in two places; he had served the ejectment upon a person named Mary Walsh, for herself and her husband and her mother, who is a distinct person in the tenancy, for Pat Comar. He had served the ejectment upon a person named Moran, Mary Moran, for her husband, Patrick Moran. Mary Moran was the woman who was examined before you, and who was so untruthful a witness—because I think it my duty to designate a person who evidently does not give a true or candid testimony by the name he or she deserves—an untruthful witness who wanted to persuade you that early in the morning when she was served with the ejectment was twelve o’clock in the day. I cannot understand what she would call late in the day. But she is forced to admit that she was served with an ejectment that day by Joseph Huddy. In addition to the two persons actually served that day, there were others to be served on the same line of journey. Who were they? Amongst the rest, the father of the witness

Conroy, who lived upon that small road that turns up from the main road. He was to be served with an ejectment. A person named Corbet, whose house was upon the road, was to be served with an ejectment. The prisoner, Pat Higgins, was to be served with an ejectment, and certainly it did strike my mind as a consideration of very great weight and moment, as devoting extensive knowledge of the mission and occupation of Joseph Huddy on that day, as denoting something more, denoting a wide area of sympathy, and as denoting—I am forced to the conclusion—a wide area of complicity, that up to the time when the bailiff reached the house of Matthias Kerrigan, as appears by these documents found upon the body of Joseph Huddy, all legal traces of his visit were completely effaced. Neither the original of the copy served upon Mary Walsh, nor the original of the copy served upon Moran and his wife, nor the original of the copy to the Conroys, Corbet, or to the prisoner Patrick Higgins. The whole track was closed up behind him to the very point which he had reached, Matthias Kerrigan's house. And by whomsoever the spoliation of these documents was committed, whoever was the person that was in custody of, and had the control of his murdered remains, whosoever committed this spoliation of the documents, evidently had an eye to the interests of a great many persons in that locality. Now let me come to the document which related to Matthias Kerrigan. The original of the civil bill to be served upon Matthias Kerrigan, is found in the pocket of Huddy's coat, and no copy is found. Matthias Kerrigan swears that he was not served with the copy of that civil bill, and if you come to the conclusion that the life of Joseph Huddy was assailed and taken before he reached the house of Matthias Kerrigan, and it is necessary and inevitable that he was not served, and that Matthias Kerrigan in that respect is telling the truth. Now the body is found—the body is found at the end of the house upon the road; and bear in mind that that does not rest upon the evidence of Matthias Kerrigan alone, and it establishes the fact that the civil bill was not served upon him at all, because the witness, Mary Conroy, expressly states that that was the position in which she saw the body of the deceased man, and even the false witness who was examined there before you, the unhappy daughter of the accused man, who had originally falsely placed the position of these bodies as in the street, as it is called, the yard directly adjoining the barn of Kerrigan's house—this witness when she was last examined, as the result no doubt of her speaking with the witness, Mary Conroy, had now to place the body of Joseph Huddy at the end of the house, and if the body was there he had not reached the place for the service of Matthias Kerrigan, and the statement of Matthias Kerrigan that he was not served with the civil bill is true. But now the matter does not stop there. If Matthias Kerrigan was served with this civil bill, and if his object was to provide for the destruction of all evidence connected with it, to prevent his eviction by law, and that he had the same necessity that all the other persons had by whom, or in favour of whom, the spoliation of these other documents was carried out, he would have provided, or the means would be provided, or any other persons acting in his interest would have provided against the retention by Huddy of the original civil bill which was the point alone that could affect him. But he did not so provide, and the civil bill in respect of the destruction of which alone Matthias Kerrigan could have any interest, is found in the pocket of Joseph Huddy, and that would not only tend to prove to me, tend to show that he had no part in the commission of that crime—that he certainly did not take any means, nor give any direction, nor make any suggestion for the removal or the destruction of that civil bill—it would also tend to show, to my mind, that the persons by whom the spoliation of the other documents was carried out were indifferent to the interests of Matthias Kerrigan altogether by leaving that document which was found upon Huddy's person. Not to push the matter to what, perhaps, might be an extreme conclusion—not an impossible conclusion, but an extreme conclusion—it might appear that the persons by whom the documents were removed from the body of Huddy had a further and another design, not merely not to assist or protect the interest of Matthias Kerrigan, but to leave upon the person of Huddy a document which would leave him at the immediate vicinity of Matthias Kerrigan's house, and leave the murder at Matthias Kerrigan's door. Now, one other observation remains to be made, but it is an inevitable one. No original of the civil bill to be served upon Patrick Higgins is found upon the deceased man. He received that ejectment for service; he had followed the same line of road; he had left the main road for the purpose of effecting service upon Moran, he returned to what is called the Carnmena road, that stretches to a place called Curranenagh. He returned by that road into the main road at Cloughbrack again; he was to pay visits as he went along; he pursued the exact line of the houses of the persons upon whom ejectments were to be served; and on that line of road stood the house of the prisoner, who owed the same amount of rent, with the exception of a few

shillings, we are told by Mr. Goode, as Matthias Kerrigan, and he had received an ejectment to be served upon him, and in the ordinary course of his duty there was no reason why he should not have served it. He had travelled, as I said already, a distance of nine miles, early in the morning, for the purpose of serving ejectments; and it is inconceivable to suggest in reason any possibility or probability why he should not have served the ejectment upon that day upon the prisoner. It was an express duty and object for which he was there. Two or three important conclusions can be drawn from that. First of all, if he was served with that ejectment, and if his daughter was in the house, and she says she was, she is stating what is necessarily a wilful untruth in saying that no ejectment was served upon him. The service of one of the ejectments is a matter, as you must own, of great moment to persons in their condition. It is a direct proceeding to remove them from the land, and from their means of living, and no event of their whole lives is remembered, is seen, or understood, or remembered with more accuracy than a fact of that kind. And, accordingly, if the daughter was in the house upon that occasion, she has sworn falsely in saying that no ejectment was served. It is inevitable you must come to that conclusion. It is inevitable that Joseph Huddy should perform an ordinary duty which he was there to perform, and if there was a mountain of evidence on the other side it would not remove from my mind the fixed conclusion that he had upon that day served a civil bill process in the house of Patrick Higgins. Whether that young woman, Mary Conroy, was there or had not been there at the same time I do not know. At all events she has given no evidence saying that he was served or was not served. She has given no evidence showing that any legal proceeding or any process of ejectment was served that morning at the house of the prisoner, though she said that she did not know Joseph Huddy—"He was not there at all." Now, in addition to the conclusion which you must arrive at as to the daughter stating that no civil bill was served upon her father that morning—that that is an untrue statement—you have also, of course, a very important fact brought to your mind, that the prisoner, Patrick Higgins, in common with so many others, had a motive then presented to his mind, a motive in addition to those motives that might arise from the general spirit of lawlessness existing at the time—to destroy the evidence that the service of the ejectment would supply. Let us now proceed a little further. And first I invite your attention to the nature of this crime itself, and the probability or likelihood of Matthias Kerrigan and his family being engaged in the commission of that crime, because you will see from the whole course of the discussion, and from the whole course of the argument, it is inevitable the case must be made that Matthias Kerrigan himself and his family were the persons who committed this murder, for otherwise they would have no kind of reason or motive sufficient, or sufficiently powerful, to fix this charge upon the accused. He is himself engaged that morning, according to his own account, in one of the ordinary operations of his occupation. He is engaged in threshing corn. He is there with his wife, and his son he stated was at the bog engaged in bringing turf, and his younger son, that little boy who was examined before you, was in the house at the same time. If he had intended to murder the servant of Lord Ardilaun upon that occasion, and had formed a preconcerted design for it, and that this was carried out by a deep design, by a carefully studied preconcert and design—no one can have any doubt that it was not the result of a sudden encounter between a person who was served with a legal process and the officer of the law, and you may dismiss that altogether from your consideration, that is out of the ———. If he intended to commit the crime in the first place, and sought the aid of his own family to do it, would he have committed that crime upon the public road? His family could assist him in the commission of the crime more effectually if Joseph Huddy entered his house. The transaction would be more hidden from observation. In the house he might have been attacked with much greater facility. Would he have advanced, accompanied by his son, or his two sons, upon the public road that morning before Joseph Huddy reached his own house at all, and then, with the aid of his wife and his two sons, murder him. He knew, and they all knew at this time, that an extensive legal procedure was about to be taken against the tenants of Lord Ardilaun, and you perhaps know sufficient of the state of things which existed in that part of the country, and in other parts of the country, to be fully persuaded of this, that if Matthias Kerrigan had formed a design to take away the life of Joseph Huddy upon that occasion, he would have sought and he would have found confederates, prompt and daring confederates, more able and more willing, and more fit, to carry out the object he had in view, outside the circle of his own family. At that time crime was rife, crime of this kind was very rife, and was committed unhappily too often, with impunity, entire impunity; crimes known to multitudes of persons, touching various localities and various persons,

at various points, of which no traces whatsoever could be found. And that such a wide area of sympathy existed in reference to this particular case there can be no doubt whatsoever, and that Matthias Kerrigan could have found and would have found, or at all events would have sought for, accomplices besides his own wife and children to carry it out, there can be no doubt. Consider next the nature of the crime itself—it is a crime committed necessarily by more than one person. Look at the evidence of the wounds that are found upon the person of Joe Huddy. His person bears evidence of the nature of the crime. He is found to have been wounded with bullets five times—five different bullets. His grandson, this unoffending youth who accompanied him, is found to have received two bullets—making altogether seven wounds of bullets. Were the seven different bullets inflicted by Matthias Kerrigan himself? Was he showed to have ever been in possession of a revolver at all? He was not asked the question; he might have been, but he was not. Was there more than one revolver used, and if so by whom was it used? Was it by his wife, or by his son Matthias, or by the young lad? Look now at that matter irrespective of the evidence of Matthias Kerrigan, independent of the evidence of Halloran, and it would appear to me to be simply a matter of impossibility that that crime could have been committed by Matthias Kerrigan with the aid of his own family. Two persons were murdered with revolvers—murdered at different points. One was murdered at the end of the house—another was killed at the end of the barn. And what do you find from the evidence of the two Halloran's, who when they heard these shots went to a point for which they commanded a view—neither of the Hallorans say they saw any of the Kerrigan family on the road at all. It is wholly impossible but that he must have known them, as counsel for the Crown rightly says. One of them says there were two or three men—both say that. But attention was called to his deposition, and he says three or four men, and upon the trial here one of them said that Michael Flynn and Thomas Higgins could have been there although he did not recognize them, but they would have undoubtedly recognized the presence of Matthias Kerrigan, the presence of his son, the presence of a woman, his wife, or the presence of the little boy. So I take it as a certain conclusion, a certain basis upon which you will be entitled to proceed, that all the evidence tends to show as a matter of certainty, so far as any matter of this kind can be certain, that that crime was not one that was probably or likely to be committed by Kerrigan's family. That is independent altogether of the evidence of the Hallorans, who do not say that they saw any of the family of the Kerrigans on the road when the shots were fired, but who say that they saw three or four men. Now, let me take the next leading point in this case. How are the bodies disposed of, and by whom? The body of the younger Huddy was put into the sack, obtained in the manner you have heard stated, and carried along the road, if you believe the evidence of the Kerrigan family, by young Matthias Kerrigan, accompanied by Thomas Higgins. Matthias Kerrigan delivered up the charge of it when they reached a place where Mannion was, and he then returned; and there is no evidence now that Matthias Kerrigan, the father, who is alleged, with the aid of his family, to have committed this murder, who was the person, above all others, upon whom lay the burden of concealing this crime—who was the person upon whom above all others, who must have in the ordinary course disposed of the bodies, and who would have been the person to dispose of them—there is no evidence that he ever stirred from his own house one foot to accompany them. Now, that point is made more explicit by this, that the daughter of the prisoner who had unquestionably stated in order to give colour to her false evidence on the former trial, who had stated that Matthias Kerrigan, the father, went up to the breen with his son, and that they had the body, when re-called and examined here upon the last trial, departs altogether from that and does not make that statement, and, therefore, it is unquestionable that the man upon whom, if the case for the defence be at all true, the blame, the burthen, and the criminality remain, did not leave his own house to remove the traces of the crime. The matter does not rest there; but what strikes me as the cardinal and supreme point in this whole case is this: the witness, Mary Conroy, says she saw no person there but the Kerrigan family; the Hallorans say they saw three or four men who carried away the body? What became of it? What account of it is given by any person; what suggestion can there be as to how the body of the elder Huddy was disposed of, unless you accept the statement of the Kerrigans, that it was carried away by Pat Higgins and Michael Flynn. Did the ground open and swallow it? Did it depart in some extraordinary and inexplicable way? The younger Kerrigan, whose part in this transaction is sought to be used to convict his father of complicity in this crime, knows nothing of it. He did not accompany it; no member of the Kerrigan family accompanied it—and the Kerrigan family alone were there! And now, when you come to review and to consider all

the evidence, you will have to come to the conclusion whether you can reconcile the removal of that body of the elder Huddy with any account of the matter but that which is given by the Kerrigan family. According to their account, both were taken away together—the body of the son in the sack, which was carried away by the son, accompanied by Thomas Higgins. Michael Flynn and Patrick Higgins had preceded them, carrying away the other body; and the murdered victims were taken away separately, and sent to join each other at the bottom of the lake—both carried away evidently by the same funeral agency, and transferred to the place from which it was supposed they would never again be discovered. And now, having arrived at that point, and having given you that general view of the nature of the case. I must, in a case of this solemn importance, draw your attention to the evidence—not at any great length, however, as it touches merely the commission of the crime, because there is a great deal of evidence in the case that cannot be disputed; and I'll draw your attention now very shortly—I wish it was not necessary for me to do it, but I consider it my duty, and I won't take any great length of time—to the evidence in the case. The first important witness is Matthias Kerrigan. He says that he is a tenant of Lord Ardilaun, and that his wife's name is Bridget. He has two sons, Matthias and Martin. Matthias is the elder—fifteen years last harvest, and Martin is eleven. He has two daughters—the eldest, Bridget, away in service, and Mary, whose name is mentioned, was living with him, a little girl ten years of age. He knew old Huddy, but had not seen the grandson until the day of this murder, and he said that was the last day he saw Joseph Huddy. He is not sure as to the date, but says he believes it was Tuesday, and in that he is quite correct. When he saw him the boy was with him. It was in the morning, and he had not breakfasted at the time. His son, Matthias, had gone for a load of turf to the bog. He saw the Huddys coming from the direction of Patrick Higgins. He saw the prisoner, Patrick Higgins, strike him with a stone upon the back of the head. He was standing at the time at the boren—I presume he means that Joseph Huddy was standing there—he was standing at the barn at the corner of the house, and he points to the corner of the house that is rather next the barn. After Joseph Huddy was struck he fell against the wall; he was very close to him—the prisoner was very close to him. He was asked did he throw the stone or push him with the stone holding it in his hand, and the answer was, that the prisoner was so very close to him that he could not see. When Joe Huddy was down he gave him two kicks, and when he was on the ground he saw Michael Flynn and Thomas Higgins put shots into him. When the old man was knocked down the little boy ran, and Michael Flynn ran after him, and overtook him at the corner of the barn. He caught him by the collar, and knocked him down. Thomas Higgins put a shot into him—he is not sure whether one or two. His son Matthias came up when they were killing the boy. His wife was outside the door pouring water in the street—you know that the street is yard—you know what that is. When Joe Huddy was knocked down he saw Martin, his little boy, coming with the basket when the shots were fired. The prisoner and Michael Flynn put the body of Joe Huddy into the basket. When his son came up the prisoner said, “Stand out here, and take this with you.” The body of the boy was put into the sack, the sack was got on the loft of the house; the prisoner brought out the sack; Thomas Higgins put the body on his son's back; the bodies were taken down the fall; he did not go with them, nor left his house, nor did his wife, nor Martin; his son, Matthias, was away about three quarters of an hour and then came back. Joseph Huddy had not given him any paper. Cross-examined, he said he paid £4 a year for the land—and that is very like the position of most of the people in the locality, and perhaps of the prisoner himself; he does not know was it three or three and a half years rent that he owed, and he says that he heard from his wife that an ejectment process was to be served upon him, but he cannot tell how long before that it was he was told. He was not aware that it was the last day for serving them for the Oughterard sessions. For the last twelve years he does not know when they were unless he heard it. He was arrested surely on the night of the day the murder was committed, and was put in Fairhill barracks. He was there three days and three nights. He was then brought before the magistrate, the magistrate was brought to his house. He was taken to Galway jail, charged with the crime, and remained there nine months. He was discharged, and was re-arrested at the end of the nine months. He was charged with this because he did not tell this story until eleven weeks to-night. He was asked when he first gave information to the police, and he said eleven weeks this night, in Galway jail. It was after making the statement he was taken out. He was then residing in a house in Galway. The sack was taken out of his house, and he was asked did he, Kerrigan, go into the house with him, and he said he

did not. He was asked did he, Kerrigan, go into the house with the prisoner, and he said he did not. He doesn't know whose was the cleave in which the body was taken away. His son had his basket going for turf, and he had only another basket in which you might put a stone of potatoes, and he swore the cleave was not his. He doesn't know why he was arrested, only that the work was done at the back of his house; on his oath he did not murder the Huddys or anyone else. On his oath his son had nothing to do with the murder of the bailiff more than the people before him. That is as true as that he was not served with the ejectment. On cross-examination he says he saw another man named Pat Higgins (Sarah) coming down; the prisoner is the first cousin of his wife, and six akin to himself—whatever relation that may express. To a juror—Where did he know where to look for the sack; and the witness answers—he looked here and there when he went in. That is the prisoner went here and there when he went in. Now a sack is as much a necessary of the humble peasant's house as the pot in which he boils his breakfast, or the basket in which his turf is brought from the bog. Any of you who has ever been in a peasant's house would look for it, and know where to see it; and independent of that observation, Pat Higgins was undoubtedly in the house itself several times, and knew all the arrangements of it, as he knew of the arrangements of his own house. Corn was being threshed there. He knew a sack would be necessary to put this corn into, or to keep potatoes, and he would have no kind of difficulty in putting his hand upon the sack which was afterwards used. Bridget Kerrigan was examined, and she says that she is the wife of Matthias Kerrigan. She remembers the morning her husband was clearing oats, her son Matthias had gone for a load of turf, and was carrying it home. She saw Joe Huddy on the road at the house. She was at the door throwing out water. She saw that man there (pointing to the accused) knock him down with a stone at the back of her house. Michael Flynn and Thomas Higgins were with him; when he was knocked down he gave him two kicks. Shots were fired into him by Flynn and Higgins. She did not count them, and the reason she gives was that she was in another state, meaning her alarm and trepidation were such as to affect the accuracy of her memory and observation. She describes her hand as shaking. The boy that was with Joe Huddy she did not know. He ran on the boreen at the back of the barn where Joe Huddy was knocked. Michael Flynn followed him and caught him by the collar, and said "what the devil brought you here." Tom Higgins put shots into him. She said she was shaking. Martin, that is the youngest son, was between the door and the barn—between the barn and the house. Matthias was not there when the old man was killed—they were killing the boy just before him. Matthias was in the street when the two men were killed. Michael Flynn and the prisoner put the old man into a basket, and Thomas Higgins and Michael Flynn put the boy into a sack. The old man was hoisted upon the prisoner's back, and Michael Flynn and the prisoner went away. The old man was not stirred until the boy was put into the sack. The prisoner went into the house, and pulled the sack off the corner of the loft. The prisoner used to be in the house when he had business there. Thomas Higgins came and caught the little boy, Matthias, by the collar, and said, "Come until I put this on you." "I will not," said he. "You must," said Thomas Higgins. He said, "You will not be thankful," or "you will be sorry if you do not." Now, it is undoubtedly a matter of observation, as was dwelt upon by counsel for the Crown, I have had occasion to observe upon it before, that when Mannion was called upon to take part in the means of removing these bodies, at a later stage, the same kind of language of menace is proved by Mannion, independent of the Kerrigans, to have been used towards him that was used towards Matthias Kerrigan. Upon that occasion, she says, neither her husband nor little boy went to the body. She saw Pat Higgins (Sarah) pass the house with the basket of turf. The corpses were carried away a little before Pat Higgins (Sarah) came. He went in the same direction. Joe Huddy had not time to speak in her house that morning. He did not serve any process there: he was not let down that part of the boreen. She was throwing potato water outside when she saw this crime committed, as she tells you; and she says she had, surely, very little concern with it. She is cross-examined, and she says the master told her—that is, the agent—that notice was to be served. She knew that the sessions were to be at Oughterard. Her husband got no process on that occasion. It was three quarters of a year before she told the magistrates. Why wouldn't she know her husband was in jail. She says that, she thought he was charged with the murder. She knew it would not be anything good would happen to her husband if found guilty. She was living in Galway guarded by the police. She was asked whether she talked with her son Martin about the matter, and she says, what was the necessity when he knew it himself. The question being pressed, she said did he not know well himself that they were murdered, and the question was again repeated, and she said, sure she was in grief and

sorrow that such a thing should happen near the door, and she said, doesn't he know well himself—that is counsel who put the question—you know well herself and her children were talking when her husband was in jail. Since he came out they were not talking about it; of course herself and her husband have talked about it, but not she and her children—did they not know it themselves. And in re-examination she said, the talk that was about her husband, while he was in jail, was fretting, and in grief for her husband being taken in the wrong, and that was what all the talk was about. The next witness was the little boy, Martin Kerrigan. He lives at Cloghbrack with his father. He remembers seeing the thing done or seeing something done to a man and a boy. He did not know either of them before. He was coming out, and he described how he saw Patsey, as he describes the prisoner, hit the old man with a stone; when the old man was knocked down, Michael Flynn and Thomas Higgins came and put shots into him. He does not know how many; he knew they were firing. He was asked who fired at him, and he said Thomas Higgins (Tom) and Michael Flynn; he saw two revolvers with them, Michael Flynn and Thomas Higgins (Tom) had two revolvers. The little boy ran to the back of the breen, and Michael Flynn followed him, and put his head down to the ground, and Thomas Higgins (Tom) then came and put shots into him, and he was asked how many, and he gave answer in rather curious terms, and with great energy and earnestness—on his soul he does not know. The very form and nature of the answer attracted my attention. He saw shots put into him. Matthias came home with a load of turf, and Thomas Higgins followed him and caught him by the collar. The old man was killed before Matthias came up, but the little boy was not. He heard what Tom Higgins said. He came up, and he said, take this with you, and Matthias said he would not, and Thomas Higgins said, you will, or you will not be thankful. He doesn't know where they got the bag. It is rather curious he does not know where they got it, although his father and mother both stated that the prisoner went into the house and got it. They don't at all events appear to have put the little boy up to that statement, because, if they did he could have made the same statement. He was standing in the street, the old man's body was put into the basket, and Michael Flynn raised it on the prisoner's back and they went away first. Thomas Higgins was forcing the boy on his brother's back. He forced it on him, his father said, at the barn door; his mother went to clear away the blood when they went, and I will have an observation to make when I come to deal with the answer of the mother in reply to a juror. They had not eaten their breakfast at the time this occurred. Saw Pat Higgins (Sarah) coming with a basket of turf. His sister Bridget was not at home that day, she was a quarter away at service. Did not see Kate Higgins, the prisoner's daughter, there at all. In cross-examination—he was sworn before the magistrate in Galway, and he was asked the question where was he when the shots were fired, and he said he was going out into the barn when he saw the man strike him with a stone; he did not swear he was in the house when the shots were fired. He was asked as to several statements made by him in his information in Galway, and it did appear he stated he was in the house when he heard the shots fired. He says now, that that is not correct, that he was between the house and the barn, not only when the shots were fired, for he heard them fired, but when he was struck with a stone. He was examined at great length upon the deposition, and he adheres to his statement, as to who were present, and he says he did not swear that. There was an interpreter in Galway. He said he told the magistrates about the stone. He is pressed by Mr. Teeling whether he told the magistrates he saw the man struck with a stone, and he says he did tell them in Galway, although that does not appear in his deposition. He told them he was coming out when he saw the stone thrown, and then he is asked, did he talk to his mother, and what he says is he did not talk to her or any one else about this matter, what talk would he have about it, he said; didn't they know it themselves. He points out the spot on the model where he saw the elder man knocked down. He exactly describes the very situation where the other witnesses put it, namely outside the wall at the end of the house, and he says he was knocked down with his head in the wall. That was the very phrase used by another of the witnesses. He points out the spot at the end of the barn, where the young boy was knock down also. Now Matthias Kerrigan, that is the elder son, he is an important witness upon several parts of this transaction. He is the next person called, he says, he remembers the morning of the murder of the Huddys. He does not know the date, but he thinks it was somewhere about Christmas. He was for a load of turf on that occasion at the bog, his breakfast was ready when he came back, and the first thing he saw was Tom Higgins. He was at the barn. He saw Tom Higgins and Michael Flynn, and Pat Higgins, and that was at the back of the house, and the back of the barn. He saw Thomas Higgins and Michael Flynn murdering the

boy with shots, saw Thomas Higgins firing at him. The elder Huddy was killed when he came, he was stretched on the boreen, his head next the wall; he points out at the end of the house where the old man was killed, at the end of the barn where the boy was killed, Thomas Higgins caught him and said, hoist this on your back; had he a bag when he came, and he said not, and he said—to do it, or he would not be thankful. That is Tom Higgins said, hoist this on you or you will not be thankful. At this the prisoner and Michael Flynn had gone on with the old man in the basket. He carried the sack as far as Corbett's. Thomas Higgins was with him. They met Mannion. Thomas Higgins said to Mannion, hoist this on you, and he put the bag on Mannion. He said Mannion fell on his knee after a short time, and then they put the bag on him again, and he carried it until he went as far as his own cross, where it was taken off Mannion. Thomas Higgins took it off Mannion, and put it on Pat Higgins (Sarah). He had apparently urged them on, and Mannion thereupon returned. Mannion returned to his own cross, or place where the passage for his own house merges upon the boreen, and Kerrigan returned to his own house. At the time he saw the boy shot it was when he came to the yard, and he heard the cracks of the shots. Then, on his cross examination, he says it would take about an hour to go to and come from the bog. He said the sun was rising just as he could see it when he left. The boy was in jail, and he was asked how long he was in jail, and he says he is not certain. He said was it a fortnight or three weeks, and he is asked no question upon cross examination that it is necessary to take down. He states went he went, and how long he was in jail. Then Patrick Mannion is examined. He is the first witness who gives you evidence entirely independent of the Kerrigans upon this transaction. There is no impeachment of him, no suggestion of any complicity or sympathy with Kerrigan, or interest with him. You may reasonably, on the other hand, come to the conclusion that he comes forward here, not only having no sympathy with Kerrigan, but having some common bond of sympathy with the accused, and with the witnesses for the accused, and that of the persons in the same neighbourhood who stand in the same position. He remembers the day, he says, he left James Corbett's house; that he saw Tom Higgins, Matthias Kerrigan, the younger, and Pat Higgins (Sarah). Now, at that point of time, according to the evidence of all the Kerrigans, Patrick Higgins, the prisoner, and Michael Flynn, who were in possession of the body of the elder Huddy, had passed away; they were coming from the direction of Kerrigan's house. There was a bag on young Kerrigan's back. When he came out upon the road, Thomas Higgins caught him by the collar and said, walk out here, the witness said no, and Higgins pulled him a piece of the road and he took the bag off Kerrigan's back and put it on the witness's. Tom Higgins was pushing it. What a remarkable description he gave of this dreadful business. Tom Higgins was pushing him forward as if the man were a feeble old man unable to carry this burden, or reluctant to carry it. Tom Higgins was pushing it forward, he kept his hand on the bottom of the sack, in which the body was, to keep it on the witness's back. He went up the cross road, he went on some distance, when he was tripped on one knee; himself, that was Higgins or witness, I cannot tell which. Pat Higgins (Sarah) himself, I assume he meant—Pat Higgins (Sarah) took it away himself and he turned into his own cross road and Matthias Kerrigan turned back at the same time, there they left this scene and the further prosecution of it. Now, you have there, not merely the evidence of that independent witness confirming the account that Matthias Kerrigan gave of his part in this transaction, that he carried this body under pressure, the same kind of pressure that was used towards Mannion, reluctantly and unwillingly, and in submission to terror of some kind; in submission to terror, you could very easily understand, when that terror may have been practised by men who were in possession of loaded arms at that time. That is not the only point of Mannion's evidence at all, the essential point he brings into the case for the first time by independent testimony, independent of the Kerrigans, a man named Thomas Higgins, so that you have confirmation of the account given by the Kerrigan family, the confirmation of an entirely independent witness as to one whom Kerrigan and his family associated in that crime—a person named Thomas Higgins, entirely outside the whole business. Mannion says Thomas Higgins was in charge of that body. He was asked did he see the body, and he said he saw neither man, woman, nor child, besides Thomas Higgins and Pat Higgins (Sarah). He was asked did he see the body of the old man and he said he did not. At all events he does not say he saw Pat Higgins there at all at that time. It is entirely consistent with the evidence of the accused, and on the other hand it is consistent with the evidence for the prosecution, that Pat Higgins and Michael Flynn had carried the body of old Huddy, and were before. He was cross-examined, and he was asked when did he first tell this, and he says nine or ten weeks ago in Galway. He said they were questioning him about it in Cong before he went to Galway. The

next witness is John Halloran, a witness altogether outside the family. He says he lives at Cloughbrack and knows the Kerrigan's house. He was cleaning corn at his house that day, and there is a hill between his and Kerrigans. He heard one or two shots. Now, the number of shots he heard would seem to imply that the time when his attention was attracted to the occurrence was between the killing of the old man, who had received five shots, and the killing of the young lad, for he says he heard two shots. He left the oats and went out again, and took a look about him, and at the head of the garden where he went over, as he looked down he appears to have a distinct view of the boreen next Kerrigan's house. I saw two or three men near Kerrigan's, and he says he did not know the men. As I suggest to you, if it were the Kerrigans, he would not have so described them as two or three men. He would have known them even at the distance of seventy-five or a hundred yards at which he was then standing, he would have known their ordinary dress, their ordinary demeanour, and he would have sworn to having known them. He saw Pat Higgins on the boreen near his own garden, with his hands beside him. He saw Pat Higgins on the boreen with his hands beside him, near his own garden; and the place being fixed as seeing Higgins was the immediate vicinity of his own boundary, which would be that wall running up through his land, he said within two yards of the boundary of his own land, with his hands beside him. He could not see the boreen, but he could see the men above it; there were two or three men. Higgins was on his side of the trees marked on the model. He was sworn before the magistrates, and his information was produced, and then his attention was called to the statement in his own information, which I will read to you "I heard shots, and in a couple of minutes after, I went to the corner of my garden, and I looked about me, and I looked down towards the boreen by Matthias Kerrigan's house, I saw about three or four men there." Now, it is not two or three, or three or four even, but about three or four, which might leave it open to him to say, there was a larger number than three or four there. "Long Pat Higgins was last of them on the street." And he knows the distinction well between the street and the road. The Interpreter interpreted it. He knows that distinction "Long Pat Higgins, was last of them on the street," And, certainly, it does seem rather surprising, that he should fix the locality where he saw Tom Higgins on that occasion, as at that wall, a considerable distance from the locality. After having made that statement already, that Long Pat Higgins was last on the street. "I did not know," he said, "any of the other men, Thomas Higgins and Michael Flynn might be there without I knowing them. I only gave one look across the wall." Now, that is his information, as compared with his deposition and you will be able probably to come to the conclusion, and you may consider to which of these two statements you ought to give most credit. As regards the locality where he saw Pat Higgins, the precise point where he saw him on that occasion, or as to the number of persons he saw there—but at all events one conclusion necessarily follows, it was not the Kerrigans he saw there, for necessarily he would have recognised them. If that is so, there must have been other persons there besides the Kerrigans engaged in this crime, and he states that Michael Flynn and Thomas Higgins might have been there without his knowing it. It is a remarkable statement; he only gave one look across. Both he and the witness, Mary Conroy, and many other persons who heard these shots, were undoubtedly under the impression that something very bad was taking place, from which they were desirous of turning away their heads, the command given by one person, the hasty glance; the command to mind their own business, the distant point of view from which this one murder was observed, all tend to show that there was a widely pervading conviction and suspicion, and even anticipation that some dreadful and foul work was to take place there that day. Murder was in the air undoubtedly, murder was in the air all round, and if you were to put an interpretation upon the evidence given by this witness, the true and real interpretation, and the interpretation you ought to put upon it would be an interpretation in favour of the law, and strict administration of the law, and not against the administration of the law, for the execution of the law was not aided upon the occasion of that crime by any of the persons who are here present. The next witness is John Holloran; I have finished his evidence. He was on his own side of the garden, he was examined before the magistrate. He went into the barn and took up his work again. That was after the shots were all over. He saw men on the street, which could have been Michael Flynn and Thomas Higgins. He could not see more of Pat Higgins than the others, because he was higher up, and to the Solicitor-General he said his own land was behind him at the time, and that it comes close to the boundary upon the model. The next witness was John Halloran, the son. He remembers the morning the Huddys were murdered; he heard one shot. He was working at oats, and he was then bringing in an armful of oats, and he went to the door. He was able to see three or four men on the boreen at Matthias Kerrigan's

That is the son's statement. He did not know any of them. He saw the prisoner between his own house and Kerrigan's on the boreen; the polls of the men were next him. He went no further. He saw the men; he went back into his house to the threshing of the oats. They were all very anxious not to see what was going on on this occasion. The next witness is Joseph Mannion, son of Patrick Mannion, and his evidence is confined to one point, but that is a very important point. The next day the police were searching after the murder. He remembers the day before. He says that on the day before, about his breakfast time, or after his breakfast time, he had occasion to look after pigs, and he went out upon the same road close to his father's house, a point below the prisoner's house, and he saw there a man named Michael Flynn. He saw a man named Michael Flynn, and Michael Flynn was speaking to him. The nature of that conversation, in a prosecution at present of the prisoner at the bar, Patrick Higgins, could not be shown to you—could not be given in evidence against him. It was a conversation that took place behind Patrick Higgins' back, and the nature and substance of that conversation could not be proved, and the important fact for your consideration is this—that on that day—at that very place, close to the scene of this crime—an independent witness, not one of the Kerrigan family, proves to the presence there of another person named Michael Flynn, who is the person deposed to by the whole of the members of the Kerrigan family as having been engaged in the murder. So that you have Kerrigan and his wife, Kerrigan by his information—not by his conjecture—by his information in jail, at all events by his sworn information, by the information and evidence he has given here—Kerrigan and his wife, and his son Matthias, and his younger son, asserting about the perpetration of that crime, that two persons named Michael Flynn and Thomas Higgins—two persons—and both as being armed men, not the peasants of the immediate neighbourhood—both armed men, living at some small distance from this locality—and you have the presence of both these men, Thomas Higgins and Michael Flynn, so asserted by the Kerrigans in their evidence, established upon the indisputable testimony of two witnesses outside the Kerrigan family, and brought by their evidence to the very place and the very scene of the crime. And that the Crown rely upon as corroboration, which is not necessary in point of law, but as strong confirmation of the statements of Kerrigan, and as showing that they have told you simply that they give in their evidence—not something made up, but an account of an event that actually took place. Supposing Matthias Kerrigan not to have left the prison, but to have been under a strong motive—a natural motive no matter how strong—to free and release himself from a charge of murder to be made against him—in what direction would the operation of that motive conduct him? Whom would he seek out as the obstacle, by the removal of which the falsity of the accusation against him would become apparent? Now, consider that he, a peasant confined in jail, and casting about in his mind, and being apprehensive, as it is suggested he was—that he was apprehensive, there being no charge actually against him, no persons having come forward against him—but supposing he was apprehensive, and was casting about in his own mind for a person on whom to fix the false charge, in view of shaking it from his own shoulders, can you conceive what circumstance would lead him to determine upon the persons upon whom he had fixed this false charge? First of all it would be necessary to fix it upon a person in the locality. And if he fixed upon a person in the immediate locality, would he pitch upon his own kinsman—Patrick Higgins—or his wife's kinsman, as the party to make the charge against? And supposing he did pitch upon his own kinsman, Patrick Higgins, as being a person living close to him, can any reason be suggested in the circuitous process of human motives, whereby the same accusation, not resting upon making the charge against Patrick Higgins, he should have brought men from a distant locality—two persons widely separated from each other—Michael Flynn and Thomas Higgins, and charge them in conjunction with the prisoner at the bar, with the same crime; and charge two persons with the same crime, as to whom he would have exposed himself to contradiction in various points, owing to the different evidence that they could give as to their whereabouts at that particular time? And, further, how he could have alighted upon the singular coincidence—that the evidence he has given affecting Patrick Higgins, affecting Michael Flynn, and affecting Thomas Higgins—that that evidence also affects the two persons, Michael Flynn and Thomas Higgins, who are capable of being shown by other evidence—that of Mannion and Mannion's son—as having been there on the ground at that very time. Now, let me proceed to call your attention to the evidence of Dr. Hegarty. He was examined, and he states in his evidence that he examined the body of Joseph Huddy, and also that of John Huddy, the next day after they were found; that the elder man had five bullet wounds—one in front, one lodged in the brain, and

two others—one in front, and one lodged in the brain—one in front, and one at the back, he meant—and two others were on each side—and one on the right shoulder. Now, from the position of those wounds you can form your own opinion as well as any medical man could possibly form it; whether in the ordinary course of possible events these four wounds could have been inflicted by the same hand and by the same weapon—one directly in front, I may say, and another directly at the back of his head, and another one on each side. He gave the situation of the wounds exactly. He examined the bodies merely to ascertain the cause of death, and of course since these formidable signs appeared to him, or indeed if they appeared to any medical man examining as to the cause of death, he would naturally suspend any further minute examination, even if a minute examination could have revealed anything further, for as to that he would have been, of course, content to ascertain the cause of death. It is relied upon here that he found no mark on the body of the elder Huddy corresponding to the account given of his being struck with a stone. Well, the nature, or the form, or the weight, or the direction from which the stone came, or the exact locality of the mark inflicted by the stone is left entirely obscure. On being recalled he gave the answer on the question being put to him—on this trial I think it was, if not upon the former trial—on being asked whether it was possible to say whether that stone would leave a mark—he said that that would depend upon a very great many considerations, and it required no medical skill to appreciate these considerations, that it would depend upon the weight, it would depend upon the size of the stone, it would depend upon the form of the stone itself—the exact place where it struck him—whether on the back, or the back of the head, or on the soft part of the neck, and it would depend on whether it was thrown or pushed, or held in the hand; it would depend on the weight of the man knocked down, it would depend on the strength of the man who inflicted the wound with it. It does not seem to me to be an argument in the least degree affecting the case, and I do not think we need enter into the question at all, whether or not the mark of a stone on the body of that old man, at the time it was examined—the doctor says he examined the body of the grandson, and he describes the situation of the wounds inflicted upon the boy, and he says he had one near the ear, and one further back, near the same place, and on the same side. Then, after some formal evidence was given, you heard the address of the counsel for the accused—for the defence—of whom, and his very able colleague, it certainly is not too much to say, that whatever the result of this serious and solemn issue may be, they have acquitted themselves of their task with a zeal and completeness that can cause them no regret; and I make no further observation than that on the subject. After you heard counsel for the prisoner, Kate Higgins was examined—that young girl who was examined here for the second time upon this trial, and whose demeanour, and whose conduct, you have had an opportunity of observing. I considered it my duty upon the former trial to designate the whole character of her evidence very briefly, but on account of the nature of this case, and the momentous importance of it to herself and to her father, I think it necessary to call your attention in detail to her evidence, although even the result should be that you should at the close of the case make up your mind to dismiss it entirely from your consideration, as not deserving of your attention. She says she is the daughter of the prisoner, and that she lives with the prisoner; that she has two brothers in England, and two sisters in America, and that they were absent last January; that the family now consisted of the father and mother, herself and a little boy. She states that upon the day of this occurrence, her brother was away at Glantreague with goats, and that her father was threshing corn in the barn, and that she was carrying oats in to him. She says that a person named Mary Conroy was assisting her in the carrying of the oats, and that her mother was tying the corn. She was going down the garden for oats, and that she heard shots. She didn't turn until she put down the oats. Now I call your attention to that point of that statement. If you were to suppose it to be true at all, that she was not in the presence of her father—as appearing from it that at the time she heard the shots she was going down the garden—when she heard the shots—that when she heard them she didn't turn until she put down the oats. Her father, she says, was then in the barn. That might have been an inference of hers, it might have been that she saw him there sometime before, it might have been her conclusion that he was there, but her statement is that her father was in the barn—as she states for some time—and she was going down the garden when she heard the shots. Herself and Mary Conroy walked out and walked to the boren, under the hillock. They saw Kerrigan and his wife, and his children; they saw the two men dead on the road; when they saw that, they turned back and told her father and mother. Her father and mother, and the two girls then ran out, and her father went to the back of his own garden on the boren—the back of his own garden on the boren—he looked down, and he saw the Kerrigans gathered together, and the two

men on the road ; and then he blessed himself, and he said, let everyone of you go into the house, and everyone mind himself, and God bless us. "Everyone mind himself and God bless us," and he blessed himself. At that time undoubtedly he had present to his own mind, which was used by him—if that expression were used at all, and he used it and that he did that—he had present to his mind undoubtedly that something bad was happening at the time. His mere presence alone upon that occasion, or his merely saying that and not interfering, would itself be no more ground for a verdict of guilty against him than the presence of Matthias Kerrigan would have been, who himself took no part in it, as he, Matthias Kerrigan, says. From a different reason, from his submission, from his own desire not to interfere—finding himself there alone—from his not desiring to interfere, if he didn't say that at all ; from his not desiring to interfere, because it would be very easy to see why he would not interfere with men armed with weapons, and who would probably have resented interference with them in the wicked work in which they were then engaged ; upon that ground alone, that Patrick Higgins did go out ; upon that alone you would not be justified in forming against him the conclusion of guilt. He went back to his house, and then she says he didn't do anything to the two men. She went down to where there are geese, which gave them some annoyance. The meaning of that I take it would be that the geese were giving them some annoyance in the immediate neighbourhood of the place where the corn was, which either was in the barn or at the house, or in the immediate place where they were taking the corn ; and if she had a reasonable object, so far as I can see, that satisfied the desire that she had in view of driving away those geese, by merely driving them out upon the road. You see that. But her own account is that she didn't do that alone, but she went down where she was driving the geese. She didn't go past Kerrigan's ; but Kerrigan told her not to go further or that he would do the same to herself. That he would do the same to herself. I do not find that she anywhere—though she might not have been asked the question, and it might have been inadvertence—I do not find that she anywhere states in the evidence, either in the direct or in cross examination, that although this remarkable circumstance happened—that after she went down and knew where a deed of this nature had happened, and that Kerrigan warned her to go back and that he would do the same to herself—that she made any statement to her father and mother that this threat had been used to her. She certainly never told that story to any person connected with the law until the time she came and told it upon this table. And then she is cross-examined as to her evidence upon the former day, with results that are exceedingly remarkable, when she herself shows that she said she was down in the garden—saying she was not directly in the presence of her father at all. She is asked was the model like the house, and she says she calls it like the house and knows it well. The plan of the garden has not been given in this, but she recognises it as her father's house. She states she was going down when she heard the shots, and she went down after she heard them and she brought the corn in sheaves. Mary Conroy was with her, and they then came back to the barn, and as soon as she laid down the corn she went out again. Her father was in the barn when she went back, and her mother was tying the corn for him, she was in some confusion for some time as to whether this was the first or second time, and her attention was finally brought to the point that it was the first time ; and she said when she heard the shots she and Mary Conroy went out on the field, and her father said nothing, but went on with the threshing. She said she suspected there was something wrong going on. Her father, she said, stopped in. When she and Mary Conroy went out first they went up into the hillock. Whether they went on the hill or on that higher part of the road which is pointed out as an elevation on the model I do not know. She said, at all events, they went out on the hill or hillock, and she points out the part of the road where the road is higher. She says she saw Kerrigan and his wife and children, and she points to where the man was murdered, over at the end of Kerrigan's house at the other end of the barn. It was sworn here on Friday by her that the two men who were murdered were lying together. She swore then that the two men were lying together on the street. She was asked on the present trial did she swear that, and what is her answer to that ? That she was not put to her oath. Now, gentlemen, her attention was specially drawn to it, and she swore the two bodies were lying together on the street, and when asked again in reference to it, they did not put her to her oath. She says now that one was at the end of the barn and the other at the end of the house. She is now living she says in the same house with Mary Conroy. She is asked did Mary Conroy tell her she had sworn on the previous day that one body was at the end of the house and the other at the end of the barn—that she, Mary Conroy, swore that on Friday ; and to that she gave no answer. I could well understand what seemed to have a sensible and rational meaning—the question being whether Mary Conroy since Friday told her that she, Mary Conroy, had placed one body

at the end of the house, and the other at the barn, and to that she gave no explanation whatsoever, but proceeds to say there was nobody there but the Kerrigans. That is an important thing for you, gentlemen, to bear in mind. She saw no one on the road, but having approached the place, according to her own account, if there was anybody there she did not see them. She, however, points out the back of the house where the three Kerrigans were, namely out on the road. She said if these were at the back of the house she could not see them. She must have gone down to see them on the road. She swore they were all on the boreen, that is, that the Kerrigans were doing nothing; did not see any one standing at the other body; the daughter Mary the youngest child, the wife, and two sons, were all on the boreen with the one body, that is the body of the boy; could see the other body from where she was standing; she and Mary Conroy both went back into the barn; told the father and mother the Kerrigans were gathered together, and the two men killed; she went out again, and she points to the higher part of the road a little beyond the house, where they went up the first time; she says her father, mother and herself, and Mary Conroy went out, and the father blessed himself, she further says, gentlemen, that her father was not out alone, and he was only out once. Now, gentlemen, you see that evidence is encountered, not merely by the evidence of the Hallorans who saw the other prisoners on the road, who saw three or four men who were not the Kerrigans, but who also say that they saw Pat Higgins on that road, not in the company of his wife and his two daughters whom they could easily distinguish as women, but the last of the men on the road, and away from these persons altogether. This girl, however, says her father went out with herself, and her mother, and Mary Conroy; and that he was not out alone afterwards; that she was with him all day long until it was time to go to his supper, and she used the remarkable phrase, that "black or white" he was not out alone, and that when he went back to the barn he continued threshing the oats. Mary Conroy did not go out of the house again until she left for home, but she took many a wad of oats, and the time she went out about the oats was after the four of them went back to the barn. There were geese at the barn door, and Kate Higgins went to drive them away, and she says that she was going to drive them past Kerrigan's house, although she had seen the two men dead. It was merely for the purpose of protecting the oats from the trespass of the geese; she would have achieved that by driving them out on the road. She says that Matthias Kerrigan told her to go back or that he would do the same thing to herself. She points out the Kerrigans as standing straight at the end of the house, as distinguished from the barn, and she says that Kerrigan and his son were putting one of the bodies into a bag. She was asked did she not see Kerrigan speak to her from the end of the house, but she says it was at the end of the barn, because she saw the difficulty of reconciling her former statement with the fact that she stated she saw Kerrigan putting the body of the boy into the bag. She says it was at the end of the barn she saw Kerrigan, his son and wife, and that Kerrigan and his son were putting the body into the bag; that the whole of them were doing it. She saw the son holding the bag open, and that the body of the other man was lying up at the back of the house. She then states that she ran away home, and that she was drawing corn for the rest of the day. She says she saw nothing happen to the bodies of the deceased men; does not know what became of the dead men, or either of them. Gentlemen, bear that in mind. The next thing she saw was the man holding the bag and Kerrigan putting the body into it. She is asked whether Kerrigan hoisted it on the son's back and of that she says she has no knowledge. She is asked from her deposition made on a former day, did she make that statement, and she says she has no knowledge of seeing Kerrigan hoist the bag on the son's back. She is asked did she say on the last occasion she saw young Kerrigan passing on the boreen, near her father's house, with the bag on his back, and the elder Kerrigan accompanying him, and to that she gave no answer, no answer at all events that I could understand, she knows nothing after she saw the Kerrigans put the man into the bag. She is asked did she swear she saw two of them go down the road with the bag, young Kerrigan and her father, and her answer to that is she never was asked what became of the other body, or that she went to look, or her father, or her mother, or Mary Conroy. In fact, she gave no answer to what became of the body of the young man, whether she saw Kerrigan carrying it down. To that she gave no answer at all. She says further she saw no one removing the other body at all. Is sure that she was at the house that day, and was not talking to any one since Friday, and did not tell anyone she swore wrongly, because she was afraid of the police. She is asked if she ever saw Mr Bolton, the Crown Solicitor, she does not know she says if she ever saw him at any time. She is asked if she even saw him last Friday, and her answer is that there is not a man in the house, in this house, that she saw she would know. She is asked if she saw Mr. Brady, the resident magis-

trate, and she said not, although it appears on the statement of Mr. Bolton and Mr. Brady, who were examined afterwards, that in her presence on Friday they were both directed to stand up, and she was directly asked the question whether she had seen both of these gentlemen present in her father's cottage on the 18th October, on which occasion she swore she did not recollect she saw Mr. Bolton, and positively swore she did not see Mr. Brady; and in addition to swearing on Friday she did not know either of these gentlemen, she swore here on yesterday she did not see either of them here on Friday, and would not know them. With all that cunning and observation that belongs in an especial degree to persons in her class of life, once they see a person they will know them again a great many years after; but she states, however, she does not know these gentlemen—she stated distinctly in her evidence yesterday she did not know either of these gentlemen. That statement, it seems to me, was as deliberately untrue as her statement was deliberately untrue that she did not see them in her own house. She says some one did stand up, but she did not know him, and she says that many policemen came too, and how could she know them all? She applies that excuse in her ignorance, not merely of the interview on the 18th October, but to her statement made yesterday as to what she saw on Friday last. Then she was examined about her deposition. Let me see the deposition she made on the 18th October [deposition handed up to his lordship]. Here is the deposition she made on the 18th October, taken in her own house by Mr. Brady, in her presence—“I am the daughter of Patrick Higgins (Long). I am twelve years of age, and I don't know how much more”—(she is considerably over twelve years of age, manifestly)—“I was at Glanlask the morning the Huddys were killed, at the house of a man named Stephen Collins, on a visit. I went that morning from my father's house, when I ate my breakfast, and returned about the fall of the evening. No one went with me to Collins. When I left the house that morning I left my father and brother behind me threshing oats. My mother was in the house also tying the straw. My brother is older than I am. I did not hear of the murder of the Huddys until the police were looking for them. No stranger came into the house that morning.” What was the meaning of that statement? That Joseph Huddy did not come to serve the legal process. She is asked about that deposition, and she is asked by the learned Solicitor-General was the testament put into her hand, and she says it was not a book like that she was sworn on here. She is asked did she not kiss it, whatever it was. She says she took it into her hand, and she was never asked to kiss the book; they put it into her hand, and she thought she would not be half an hour alive; that there was a man there who could interpret and speak Irish. She was asked if it was written down, and she says there was something put before her eyes, and she could not tell what it was; that they put a pen to her hand and she left her hand on the pen. She says she could not tell the reason she was so afraid; she could not understand what she was saying, and that is so now. She says she was more afraid then as there was no one inside but herself; she did not intend to tell an untruth, and that she thought no one was bound to take a book until they were in a court; that that was the reason she told a lie; the deposition was read and interpreted to her by the officer; that she stated she was at the house of Stephen Collins at Glanlask; that her father and mother were left at home; and she is asked about the truth of the statement of her being at Stephen Collins's house, and she says the whole statement that she was at Stephen Collins's house, that she left her father and mother at home, and that she went on a visit to Stephen Collins, that that statement is entirely untrue. She says she understood since she had no right to tell the truth unless in a court; that when this deposition was made, the reason she gives for the false statement was that she since learned she was under no obligation to tell the truth because she was not in a court. She is asked did she kiss the book, and she says she was sworn on this book because there was a cross on it, and she did not kiss the other book at all, and that the other book had no cross. It would seem to imply that she thought she was at liberty to state what was not the fact, because there was no cross on the book, or because it was at home in her own house she made the deposition, and she states that since she learned there was no obligation on her to tell the truth because she was not in a court of justice. Even she said if there was a cross on the other book she did not know what it was; that there were some gossoons, young persons, inside the house, Michael Flynn, Thomas and Patrick Maunion, and the two Hallorans, but she did not see any of these persons on that morning. She did not see one of them that morning; they were not on the breen, and Joseph Huddy she said was not in the house at all. Let us stop here for one moment. According to her present statement on yesterday she did not know the persons of Mr. Bolton, the Crown Solicitor, and Mr. Brady, the Resident Magistrate, to whom her attention was directed on Friday.

She swore on Friday, as she swore yesterday, that she did not know either of these gentlemen, or recollect having seen either of them before; that she did not kiss the book at all although sworn in the ordinary manner by the magistrate; that she did not kiss the book because there was no cross on it, and then even if there was a cross upon it, because she did not know what she was saying, that she did not know the truth at that time, because since that time she had learned she was under no obligation to tell the truth, because not in a court of justice at the time. But she gives no answer to the question whether she was talking to Mary Conroy since the trial on Friday, as to the place where she stated the bodies were, but in her evidence yesterday she places the position of the bodies, one at the end of the house, and the other at the end of the barn, where Mary Conroy put them, and where Mary Conroy will tell you she told the witness she put them; and Kate Higgins accordingly in her testimony changed the position of the bodies to the places indicated yesterday. She told you this story on Friday, that she saw the body carried past her father's house, and that she saw Michael Kerrigan, the elder, accompanying his son when carrying it, while she stated yesterday she did not know what became of it and did not see them carrying it. In addition to all these extraordinary statements just made, see what she stated on the 18th October. Her father was in jail on this charge, and of course she had reason to think he was in great danger, and she was then in possession of certain information, if her statements here yesterday be true, which would have tended to free him. She was able to say she was in that house on that day, that she was there the whole time, that her father was there, that her attention was drawn to the time when these shots were fired, that she and her father, and the whole family went out, and returned immediately, and that her father was not out of the house on that day at any time, not even when she was with him, and if her story be true, innocent of any participation in this crime, and by that statement she could, to a large extent, relieve her father from suspicion. Having in her possession at the time the means of freeing him, the knowledge and information that would free him, she makes this statement that she was away entirely from the house at the time, that she was away at the house of some person named Stephen Collins, who does not appear to have given any evidence in reference to the transaction. On that morning she makes a formal statement, which is taken down on her oath, and she signs it or puts her mark to it, that she was absent at Stephen Collins' house. She gives no assignable reason for a circumstantial misstatement of that kind, except that she was afraid to tell the truth, although the truth was such as would free her father and free herself of the crimes. I can understand if she was under apprehension of any kind, no reasonable person would suppose that this girl, in the presence of the Crown Solicitor and the resident magistrate, and the police, with some of the latter of whom these people would seem to be on familiar terms, for Mary Conroy spoke of one of the constables familiarly as Tom Finn. No reasonable person could suppose she was under such a state of apprehension as would lead to such an extraordinary result. If she were under such apprehension, the effect might be to make her silent and lead her to say, I will make no statement. But why her apprehension should have led her to make the statement, I was away on the morning of the murder at the house of Stephen Collins; why her apprehension should have led her to make a circumstantial statement of that kind, I cannot possibly conceive. But I can quite conceive another explanation. I can conceive two explanations—either that the deposition is absolutely true. That is one; and only one other can you conceive—that if the deposition was not true, and if she was at her father's house on that morning, she was in the possession of some great secret which she did not wish to disclose, and which she had cause to apprehend would affect her father's liberty or life. If her statement of yesterday is entirely untrue, of her being there at all, or if that statement be true, the only explanation of her making a false statement in her deposition might reasonably be, would be, as I state—she had something to tell which she did not wish to tell, and which she believed would affect her father's safety? Gentlemen, having drawn your attention in detail to that girl's evidence, I may observe that before the questions were interpreted to her, possibly possessing some understanding of the English tongue, she seemed to catch at their drift. She showed no weakness at all, but the only thing she showed was an absolute, utterly reckless indifference to the sense of moral right and wrong, or a sense of truth, and a prompt audacity to swear anything, no matter what it was, no matter how wild or extravagant. Mary Conroy, her friend, is the next witness, and she says she is a daughter to Pat Conroy, and she is sixteen or seventeen years of age. Pat Conroy was one of those named as a person for whom an ejectment was intended, which ejectment is not forthcoming. She says she was at Pat Higgins's house that morning; she went there to assist his wife in carding wool, and she appears according to her own statement to have neglected her own avocations and to have remained for a consider-

able time at the house of Patrick Higgins ; she says that when going down the garden, we were listening to the shots. I was a good deal arrested by the form of that answer—we were listening to the shots. It might mean we heard shots and then were listening to the rest of them ; or it might mean if you take into consideration her imperfect acquaintance with the English language, it might simply mean she heard shots. But most undoubtedly there was another interpretation capable of being put on an expression like that slipping from a witness, and the quick instinct of the counsel for the Crown was fixed on it, that they were listening for shots as if they were listening for some thing they had reason to anticipate—as if they were waiting for something they might expect ? It is capable of that interpretation, but I would not advise you, gentlemen, to put much weight on that. It might mean they heard one shot and were listening for a continuance of the shooting, or it might mean they heard shots, being persons not very well acquainted with the ordinary modes of speaking the English language. When we heard them, she says, we ran up on the breen and we saw the men stretched. Now you see she does not immediately give exactly the same account as Kate Higgins does. She says she saw them stretched on the ground, and she saw Matthias Kerrigan, and his two sons, and his wife. She says Pat Higgins, the prisoner, was in his stable, that is the same as the barn, when we heard the shots ; when we came back after that we saw, she says—the four of us went out, himself, Pat Higgins, and his wife, myself, and Kate—we saw the two men, she says, and the Kerrigans going between them. Now, that would not immediately coincide in point of time with the moment when the Hallorans looked from the place where they were, and saw these people, and they do not say they saw the Kerrigans. She says the prisoner told us to mind our business and go back, and we went back. Kate went in ; Kate was in and out. She says she did not see Pat Higgins do anything to the men. She is cross-examined by Mr. Murphy. She says my father is tenant to Lord Ardilaun ; my father was threshing ; never heard him say whether he owed rent or that a process was going out against him. That is a remarkable thing. She never heard her father say he owed rent—three and a half years rent—being owed by every one of them. She says it is a short way from her house to Pat Higgins's. She could run across in a few minutes ; the distance is nearly the same to Tom Higgins's house and Macken's ; Tom Higgins lives a good quarter of a mile from it. She says she was examined on Friday ; she says she stated on Friday she went up on the hillock when she got a good view of the bodies, and she says she was not on the breen ; she says Kate Higgins and she were talking since Friday ; she says she told Kate Higgins where she, Mary Conroy, said the dead bodies were ; it was she asked me where, that is Kate Higgins asked me where, and I said where they were. She says further, I did not see the Hallorans at all there ; I saw no other person but Kerrigan, his wife and sons ; had heard the shots ; had said to Kate it is like shots ; I said we will go down and bring the corn, and then see ; and we went down, and tied up, and took a wad each ; I thought it was bad work ; she said there were just four or five shots ; then a couple more ; we told Pat Higgins we heard the shots ; he said he heard something like it ; do you run out said he, and stand on the breen, but we went out on the field, when he was frightened ; the shooting is near, he said ; he thought it was on the barn ; I said there were two men murdered, and faith we don't know who they are ; and she said she did not know in the wide world who was in it—which might mean, who were the persons murdered or who were the persons engaged in the crime ; and then she said we went in without knowing who they were ; the prisoner, Pat Higgins, was the only person who blessed himself ; we were talking about it the whole day ; he was saying, I don't know what they will do with the bodies or where they will bury them, and it might bring him into trouble ; she made some statement of the same kind on the former trial, and she seemed to have made that statement because counsel asked her these questions and she adopted them, as to whether they were talking about the bodies and where they would put them, and what the consequences would be to him in case the bodies were buried on his own land ; and she showed a facility for adopting these statements presented to her by counsel for the Crown. Even the mere facility she showed in adopting these statements would show how easy it was for a witness like her to take up from any person any statement as to the occurrence at the time, and come here to prove it. She goes on to say, I did not go out to see what was done with the bodies, but the daughter was in and out. He, Pat Higgins, was saying he did not know who in the world they had in it ; he told us to mind our own business, and he said at the same time that he was talking about where they would be buried. There was a police hut erected near the school-house after this. Tom Finn, she states, a policeman, asked me did I know nothing about it. Well, said I, do you yourself know

nothing about it? Come down, said he; and we went down and called my mother; and when he asked my mother what he wanted to know about it, I told him I did not see Pat Higgins (Long) that day; and in answer to counsel, she says—I admitted on Friday that was a lie, and it was a lie, and she so admits. I went to school at ten o'clock—that is, she stated to the constable she went to school at ten o'clock. I told him I knew nothing about it. Having made that statement that she had gone to school that day at ten o'clock, and she says she told her mother what she was asked by him, and my mother said to me not to tell him. I told my father and mother that day when I came home. I saw the two men murdered. Now, you have the statement made by her on her own admission, that on the 18th October, the same day the other witness, Kate Higgins, was examined, that she was closely questioned by a constable of police.

Mr. Teeling.—The deposition of Kate Higgins was made on the 11th October. The other was the 18th.

Mr. Justice O'BRIEN.—Quite so. It is my error. That statement was made by her on the 11th October, when Pat Higgins was in custody, in answer to a question put to her by a constable of police, who wanted to obtain some information about this crime; and according to her own statement, she did not then state what was true, but mislead him by the statement that she had gone to school that day at ten o'clock, and was not on the scene of the crime at all.

She tells you that she told her father and her mother, both, I suppose, well known to the accused, both neighbours of his, and both well known to him. She tells you that she had told her father and her mother she saw a man murdered on the day she saw them murdered. She says they were in possession of this dreadful secret, and knew what she could tell, but that when she was questioned by the police and her mother, both told her not to tell what they must have known would have the effect of freeing Patrick Higgins at the bar, if her statement here yesterday be a true one—that she saw the Kerrigans there, but did not see Patrick Higgins do anything at all but merely go out. Her father and her mother told her not to tell that, and she herself having the power of saving her friend, Patrick Higgins, did make the true statement, and made a false one to the constable—that she was not there at all. Now, the same observation applies to her testimony that applies to the testimony of Kate Higgins. There are two interpretations to be placed upon it; first, that the statement made to Constable Finn is a true one, and that she was not at the Higgins's house that day at all, and knew nothing about the transaction; or that if she was there she knew something that would not tell favourably against the man accused, who was Patrick Higgins, Matthias Kerrigan being entirely out of the question at that time. Now, it is a question for you to consider what weight you will give to that evidence against all the evidence of the other witnesses. Mr. Brady, the resident magistrate, was examined. Brien Collins, the interpreter, was examined, by whom the deposition of Kate Higgins was taken on the 11th October. Mr. Bolton, the Crown Solicitor, was examined—all those persons who were present, and who deposed to what exactly happened on that occasion, and who gave you reason to suppose that the statement of Kate Higgins makes about the occurrence—of her not telling the truth on that occasion, was entirely false. At the close of that evidence, the jury handed down to me—at least a member of the jury did—certain questions that had been determined upon should be put for the purpose of satisfying their own minds, and certainly if there was an occasion when the argument was presented to my mind strongly in favour of the existence of such a tribunal as distinguished from any other, it was by the nature of one of these questions. As I have stated already, I have been deliberating with great anxiety and consideration in my own mind whether this was one question that I ought to have asked, and I had come to the conclusion reluctantly that I ought not to have asked that question, and I entertained the hope that the jury would ask it, and the event so happened. The little boy who has given his evidence here—Martin Kerrigan, upon whose evidence, as that of an innocent youth, describing, with the accuracy of observation and memory which such persons possess, what he saw—upon whose evidence the Crown rely—almost in the same breath told you that his mother was not out on the street that day, except during the time she was clearing away the blood from the street; and if you are to draw a conclusion against them—against that family from that circumstance, you are bound in justice to bear in mind at the same time that you came to know that from the Kerrigans themselves—from this Martin Kerrigan. The jury proved desirous to know why she was removing the blood; and why she did so was capable of several interpretations. First, that she knew Matthias Kerrigan, and the members of her own family were guilty and wanted to remove the evidence of their crime, or that that blood had been spilled by other wicked persons at her own door, and the blood being laid at her own door and being spilled

at her own door, the crime could be laid at her own door, and that that circumstance would give rise, naturally, to an unjust and foul accusation against her; and there was still another interpretation—namely, that the woman, from her moral, womanly, religious feelings, finding that blood there, would desire to have it removed from the public road, no matter who committed the crime. However, she is called back, and she is questioned on the subject, through the interpreter—that very intelligent and respectable man, who is an officer of the Constabulary. She is asked did she remove the blood, and her answer is this—she is asked why she did so, and her answer is this, “For fear you” (that is Mr. Evans, the constable) “should come, or someone like you, to me, and take me, and all that were in the house.” Now you saw the decision and the promptness with which she gave that evidence, and I take her to mean by that that the blood being shed so close to her own house would give rise, she thought, to unjust suspicion against her house, her husband, and her family; but there is the answer she gave. The jury desired no further answer to be given on the point, though she was questioned as to whether she had any cause of dispute with the prisoner before the commission of the crime, and she says there was not one taste of difference between them—that means one bit of difference between them, and if there had been no difference or dispute of any kind she would almost certainly have been cross-examined about it. She was not cross-examined about it, and independent of there being no cross-examination she is asked the question and she says there was none—no ill-will. The prisoner is her own first cousin, but she was asked another and a very remarkable question. It was whether she had any cause of complaint against him since. What is her answer? She had. She had an eye upon him always because he did the work. She had no quarrel with him except this—because he did this act at the back of her own house for which her husband was taken: he used to come very seldom to her place—he was very seldom in her house, and she said she had nothing to do but mind herself and her children. It was within a week before this charge she gave information she says. She had nothing to do but to mind herself and her children, and she described in greater details—in terms I don’t exactly recollect—her position in the house as fretting and grieving for her husband, so wrongfully taken away, for a crime that he did not commit. Then the question was asked, whether the witness, Matthias Kerrigan, was released from Galway jail before he gave the information upon which his deposition was made, and Mr. Brady, the resident magistrate stated, as was already assumed or known, that his information was given about a week before he left jail—and the question was asked, what would have resulted to him if he had not given the information, and counsel for the Crown interposes, and stated that he, that is, Matthias Kerrigan, had a right in point of law to be released, and although it is an obscurity and cannot be inquired into, whether he was aware of that, or, on the contrary, was under the impression that the Crown retained most extreme powers over him, the fact is so. Then Matthias Kerrigan himself was recalled, and to the Solicitor-General says, that he saw Patrick Higgins (Long), that day, but he did not see him again. He did not see Kate Higgins, the young girl, that day no more than he did the man that was in India, and he had no conversation whatsoever with her that day. The wife was recalled, and she said, that after the Huddys were killed, she did not see the prisoner at all that same day. Matthias Kerrigan, the younger man, was then recalled, and he says—and he was not asked the question at any time before—that he did not see him returning back on the same day—that is, Patrick Higgins (Long). The witness was upon his own hillock when he saw him returning. There is a large hillock further on towards the bog in that direction, and there was also a hillock between Pat Higgins’s, and a man named Mackens, house, and he saw Pat Higgins drawing to his own house. That is a phrase used in the country for coming towards his own house. It was a good bit after the bodies were taken out. Then he said further, that the load of turf was then spilled, and to a juror, being asked what became of the basket, he said the baskets were at home at present for all he knew. It was in answer to my question that the answer was given as to what he did with the load of turf, and I had an important reason for that question which was not discerned by many at the time. It was not with the view of trying the accuracy of the question, whether or not the cleave or basket in which the body of the elder Huddy was carried away, was the basket of Matthias Kerrigan or not. If the turf had been removed there, these baskets would have been there, and would have furnished facilities for removing the body of the elder Huddy in one of them, and you probably are of the opinion that the reason I asked the question as to whether the turf was spilled before the bodies were removed, was to try that point, but that was not my reason at all. Counsel for the Crown certainly did, as it appears to me from his argument, discern my motive and reason. These baskets, were they still in use when

the bodies were carried away—still in use, and there was no other basket there. I asked the question with the view with regard to the evidence of the Hallorans who saw Patrick Higgins at the particular point of the road, because it seemed to me that the fact of these baskets being still in use when the bodies were carried away—the load of turf not being spilled until after the bodies were taken away—there was no necessity of Patrick Higgins to provide himself with a basket, and that, therefore, he went to his own house for that purpose, and was seen at that point where he is placed by the Hallorans when on that mission bent. The point was discerned by counsel for the Crown, as I have told you, and dealt with. Now, some few questions were put by one of your body (Mr. White), to Matthias Kerrigan, junior, as to why he gave no information before, and while his father was in gaol charged with the murder, and he said he was afraid. Then the question was put—was he not afraid that his father would be hung? He said he was afraid his father would be hung; and I asked the question—did you know of any proof against your father from which he would be in danger, and he said he knew there could be no proof against him, but that the murder was committed near his own house; so that the apprehension he was under, and that existed in his own mind, according to his testimony, was the apprehension arising from the fact that that crime was committed near his own house, and not any apprehension arising in his mind as to the innocence of his own father. Martin Kerrigan was then examined, and denied that he ever went away from his house, and was not upon the road that day, and then the two shorthand writers, Mr. McDermott and Mr. Houston, were called to prove exactly the nature of the evidence given by this young woman, Kate Higgins, upon the former day, and the contradiction between her statement, that she saw Matthias Kerrigan, the father, accompanying his son as the body was carried away, and to give the further and important contradiction that she placed the bodies, in her first evidence, upon the street, and that afterwards, in consequence, as you will, no doubt, conclude, of a conversation with Mary Conroy, who told her she had put them at the end of the house and at the end of the barn, she correctly, at the second trial, put them in that position—the position in which they were found. That will establish that in that particular also, as in others, she foreswore herself. Now, gentlemen of the jury, that is the whole of the evidence with which you have to deal. If you have a reasonable doubt of the prisoner's guilt he is entitled to your acquittal. That is the law of this our country. If the Crown has satisfied you of his guilt by reasonable evidence, such as reasonably can be expected in the case, by evidence of the documents, by evidence of the witnesses, the whole Kerrigan family, of whose evidence the most natural and reasonable account apparently is this—that it is a true one—an account of what they saw with their own eyes. If the Crown have satisfied you, not merely by that evidence but by the other independent evidence of the Hallorans and the Mannions which brings to the scene of this crime two other persons named Thomas Higgins (Tom) and Michael Flynn—the same persons mentioned in the evidence of the Kerrigans themselves—if the Crown has satisfied you by all that and by other evidence in the case your duty is to find the prisoner guilty. The doubt that will justify you is a reasonable doubt. It may be true, as counsel put it, that if this crime stands unrevealed by sufficient evidence until the day when all secrets shall be revealed—if it stands unrevealed until that day, your duty would be to acquit the prisoner of that crime so committed. But the doubt must be a reasonable doubt, meeting men honestly and fairly; inquiring into the facts of this crime by the same kind of intelligence and the same faculty of understanding that is given to them for the performance of their ordinary duties—not a doubt arising from the infirmity of the human mind, not the doubt that hangs over all human affairs, all human inquiries, and all human questions, but the doubt, the serious doubt, that a man will act upon in his own affairs, upon an occasion and at a time when it is necessary for him to act, and upon no occasion and at no time is it more necessary for a man to act than in the discovery of crime. The duty, then, devolves upon a juror of taking the very first precaution for the maintenance of civil society, and of the comforts and of the advantage that attend it—the security of human life. Bear in mind, not merely the evidence of all the witnesses—keep not merely the different degrees of credit to which that testimony is entitled, in view, but have regard to the nature of the crime itself—the probability of the allegation on which the defence is grounded here—the possibility of it—the probability or possibility of these bodies being removed by the Kerrigans co-operation—the possibility or probability of their being removed—the body of the elder Huddy being removed to the place where it joined the other, at the bottom of Lough Mask—by the co-operation of any person but the persons actually engaged in the crime—bear in mind also the all-important matter that this Kerrigan family are shown to have taken no part except the part played by one of them, of carrying that body in the sack part of the way, carrying it

reluctantly as you have been told, and under compulsion, and they are not shown to have taken any part whatever in the disposition of the murdered remains of these victims, and you will ask yourselves the question—the all-important question—can I reconcile the whole of this evidence with any reasonable hypothesis; but the hypothesis presented by the evidence of the Kerrigan family—that this murder was committed by Patrick Higgins (Long), assisted by these other persons found in the locality at that time. Can we see any other reasonable solution of the difficulty that otherwise stands in the way, and the elder Huddy having been removed after the body of the younger man had been taken away, and that they were joined together in death at the bottom of the waters of Lough Mask. If you come to the conclusion that all reasonable evidence such as the nature of the case allows has been given, and bearing in mind the state of things that existed at that time—the necessary difficulty of finding evidence,—bearing that in mind, if you see and are of opinion that all the circumstances of the crime and the testimony of the witnesses leads you, fairly and honestly considering the matter, to the conclusion that Patrick Higgins is guilty, your duty is to find him guilty. You are not to find him guilty on account of any statements made against him outside the evidence here, or of any prejudice that may have been excited against him, or on account of anything you have heard—you are strictly confined to the proof given here before you. Nor are you bound to find him guilty, nor ought your judgment to be swayed in the least by what might be supposed to be the necessity of the times; the true necessity of the times is the necessity of law and justice. His life—his individual life—is as sacred upon this trial as the life of the whole nation together, and by no such considerations and necessity ought you be swayed; but if the evidence—the evidence which could reasonably be laid before you in the case—does satisfy you that the charge is brought home to him, your duty is clear, and with the consequences you have nothing to do. If you find him guilty, not the jury, not even the law, but his own crime condemns him, and to that crime the law attaches the consequences, and with that you have nothing whatever to do.

The jury retired to consider their verdict at a quarter past two o'clock.

Mr. *Teeling*.—I have to make a respectful requisition to your lordship, and to ask your lordship to recall the jury and tell them that when you charged them that it was inevitable that the prisoner had been served with an ejectment process, at the suit of Lord Ardilaun, on the day of the murder, that that was not a conclusion of law binding on them, but a question of fact.

Mr. Justice O'BRIEN.—Certainly.

Mr. *Teeling*.—And as to which they are at liberty to differ from the opinion expressed to them on that subject by your lordship if they saw fit.

Mr. Justice O'BRIEN.—Did I say anything at all of an opposite nature whatever?

The *Solicitor-General*.—Your lordship left it, as every other question, to the jury, and distinctly said that was your own opinion of it.

Mr. Justice O'BRIEN.—That, as the result of the evidence, in my opinion, the conclusion was inevitable.

Mr. *Teeling*.—The exact expression was that it was inevitable.

Mr. Justice O'BRIEN.—The conclusion, I said, was inevitable, over and over again.

Mr. *Murphy*.—Your lordship did not state it was a conclusion of law.

Mr. *Teeling*.—What I am afraid of is, that when a judge uses the word inevitable to a jury, that such and such a thing is inevitable, they regard it, not being lawyers, as a direction on the subject.

Mr. Justice O'BRIEN.—I will recall the jury. I have no doubt about it. I will put it in plain terms for them. Is that the only question you wish to leave them?

Mr. *Teeling*.—That is the only question on which I ask your lordship to instruct them, and that is one caused entirely by that one word "inevitable."

The jury having been recalled—

Mr. Justice O'BRIEN.—Gentlemen, counsel for the prisoner has asked me to explain one expression that I used to you, by which certainly I did not intend to convey the meaning he attributes to it. He says I used the word—the expression "inevitable"—inevitable that the civil bill ejectments must have been served on the prisoner, Patrick Higgins, and by that counsel seems to think I intended to convey to you that that was a necessary result in point of law. I did not convey that at all. What I intended to convey to you was that from the fact that it was Huddy's duty to serve the ejectment on him, that Huddy had the ejectment with him, and was there to serve it at the time, that Higgins's house was on the road, that he would have violated his duty if he did not serve the ejectment on Higgins, and that he passed the

place on his very way to serve other ejectments on the same way—from these facts the conclusion followed irresistibly—I will substitute the word irresistibly for inevitably—in my mind that Huddy must have done his duty, and served the civil bill on his way. That is the only part I wish to correct.

The jury having again retired.

Mr. *Teeling*.—I would ask your lordship to tell the jury that upon that matter of your lordship's opinion they are at liberty to differ from you if they think fit.

Mr. Justice O'BRIEN.—No; I will not. It irresistibly followed in my mind, I said. I told the jury they are at liberty to differ from every single observation I made from beginning to end.

The *Solicitor-General*.—Your lordship might repeat the same observation to every part.

Mr. *Teeling*.—Your lordship has told them it is not a conclusion of law, and I am satisfied now.

At twenty minutes past three o'clock, the jury returned into court, and the foreman handed down the issue paper.

The *Clerk of the Crown*.—Have you agreed to your verdict, gentlemen?

The *Foreman*.—We have.

The *Clerk of the Crown*.—How say you, gentlemen—whether Patrick Higgins (Long), is guilty, or not guilty?

The *Foreman*.—Guilty.

The *Clerk of the Crown*.—You say that he is guilty of the murder of Joseph Huddy, and that is your verdict.

Mr. Justice O'BRIEN.—Ask him what he has got to say, why sentence of death should not be passed on him?

The *Clerk of the Crown* (to the Interpreter).—Tell him he has been found guilty of the wilful murder of Joseph Huddy, and ask him what he has to say, why judgment of death should not be pronounced against him according to law.

The *Interpreter* [having communicated with the prisoner].—He wants now from your lordship to be allowed to speak one or two words.

Mr. Justice O'BRIEN.—Yes.

The *Interpreter*.—He leaves it now to God and the Virgin that he never left hand, or foot, or back, or anything else to that man, and let you now do what you wish with him. He leaves that now to God. (The prisoner knelt down).

Mr. Justice O'BRIEN said.—As the prisoner does not understand the English language, and as there are other persons to be tried upon the same charge, I forbear, at present, for necessary and obvious reasons, to make any observations in passing sentence upon him. Concurring, as I do, most entirely and completely, in the justice and necessity of the verdict of guilty that has been found by the jury. I consider it my duty at the same time to state that in my opinion the prisoner is the least guilty of the persons concerned in this murder, and that the evidence has produced in my mind a firm belief that the design of this murder did not originate with him. One other observation I will make, because an opportunity may not arise of making it again. I understand that the rent of this land, on account of the non-payment of which this great crime was committed, has now been paid, and that the only result of the crime, as far as the prisoner is concerned, is this, that his life is forfeited, and that he will never see his land nor his house again. It is not permitted to me to hold out to him any hope in this world. I can only offer my exhortation that for the brief interval of time by which he is separated from eternity, he will pray for that mercy in the other world which cannot be conceded to him here. The sentence of the court upon you Patrick Higgins (Long) otherwise Patrick Higgins, is and I do order and adjudge that you be taken from the bar of this court to the prison where you were last confined, and from thence be taken to the county jail of the county of Galway, and that on the 15th day of January, which shall be in the year 1883, you be taken to the common place of execution within the walls of that jail in which you shall be last confined, that you be there hung by the neck till you be dead, and that your body be buried within the precincts of the jail, and may the Almighty God have mercy on your soul.

The prisoner was then removed.

Mr. Justice O'BRIEN (addressing the jury).—I wish, gentlemen, I could intimate now that you who were engaged in this case would not be required to-morrow.

Mr. *Murphy*.—As far as to-morrow is concerned, my lord, the jurors who have served in this case will not be required. I would say they would not be required until Monday.

Mr. Justice O'BRIEN.—Discharge the jurors in the case from attendance until Monday.

A *Juror* (Mr. Power).—My lord, the foreman has asked me to say a word or two, and I speak with great emotion, but I have been requested to

convey to your lordship the fact that the jury unanimously agree that the prisoner, Patrick Higgins, was the least guilty of the three men concerned in this crime. We did not mention that before, fearing it might have an unfair effect upon the trial of the other two prisoners.

Mr. Justice O'BRIEN.—Quite right, sir, quite right ; and I shall take care, Mr. Power, and gentlemen of the jury, to forward to the authorities that expression of your opinion.

A *Juror* (Captain Kearney White).—My lord, I am suffering from a very serious cold. I have been exempted from this jury work for the last three years, on account of the state of my health, and can have a certificate from Surgeon Porter to testify that that infirmity still continues. When I was summoned to this Commission, however, from a feeling of duty I attended, and would not dream of asking to be excused until this stage, but I now ask your lordship to excuse me from further attendance.

Mr. Justice O'BRIEN.—Very well, Captain White. I must say it adds much to your honour to state that a sense of your duty has brought you here.

The court then adjourned until 11 o'clock next morning.

THE DUBLIN DECEMBER COMMISSION.

14TH DECEMBER, 1882.

County of Galway.

THE LOUGH MASK MURDERS.

THE QUEEN v. THOMAS HIGGINS (Tom).

The Hon. Mr. Justice O'BRIEN sat in the Court House, Green-street, at eleven o'clock, when Thomas Higgins (Tom) was put forward to take his trial for the wilful murder of Joseph Huddy, at Cloghbrack, County of Galway, on the 3rd of January, 1882, to the indictment charging him with which he had previously pleaded not guilty.

The Hon. the *Solicitor-General* (A. M. Porter, Esq., Q.C., M.P.), James Murphy, Esq., Q.C., and Peter O'Brien, Esq., Q.C. (instructed by George Bolton, Esq., Crown Solicitor), attended to conduct the prosecution; and

Charles H. Teeling, Esq., and Richard Adams, Esq. (instructed by Patrick J. B. Daly, Esq., of Ballinrobe), appeared for the accused.

The special panels—County and City—were called, and eighty-nine gentlemen answered,

The *Clerk of the Crown* (addressing the prisoner).—Do you understand English?

The *Prisoner*.—I do, a little, sir.

The *Clerk of the Crown*.—Thomas Higgins (Tom), we are about to swear a jury to try you for your life, you have a right to challenge twenty jurors peremptorily, and as many more as you can show cause for.

The *Prisoner*.—I will leave that in my solicitor's hands, my lord.

The *Clerk of the Crown*.—Very well, your solicitor can do it for you; but your time to challenge is when the juror comes to the book, and before he is sworn.

Mr. Teeling.—Before the jury is sworn, my lord, there is just one thing that I think it due both to the prisoner and to your lordship to bring under your notice. My lord, the report of your observations last evening in passing sentence on Patrick Higgins (Long), as published in the *Evening Mail*, contains one word which I am sure got into it inadvertently, but a word which, if not corrected by your lordship, might have a very injurious effect indeed, upon the prisoner. Your lordship, as reported in the *Mail*, is made to say, "I consider it my duty at the same time to state, that in my opinion the prisoner is the least guilty of the prisoners"—

Mr. Justice O'BRIEN.—Instead of persons.

Mr. Murphy.—Yes, of course.

Mr. Teeling.—I am addressing the court, and when interrupted was saying that your lordship is reported to have said:—"I consider it my duty at the same time to state that in my opinion the prisoner is the least guilty of the prisoners."

Mr. Justice O'BRIEN.—Instead of "persons."

Mr. Teeling.—"Of the prisoners concerned in the murder, and the evidence has produced in my mind the firm belief that the design of this murder did not originate with him." Of course your lordship did not use the word "*prisoners*."

Mr. Justice O'BRIEN.—No, it was persons.

Mr. Teeling.—I was anxious to hear your lordship's statement to that effect—to have the authority of your lordship for that correction.

Mr. Justice O'BRIEN.—There can be no mistake but that the word I used was "persons."

Mr. Murphy.—And it was stated by the jury as well as by your lordship.

The *Clerk of the Crown* then proceeded to empanel a jury, all the gentlemen who had answered being called to the book, and dealt with thus:—

75. Henry Wigham, 35, Capel-sreet.

Mr. Justice O'BRIEN.—This gentleman has been excused on the occasion of previous trials. Have you any objection, Mr. Murphy, to my excusing Mr. Wigham as I have done before, on the same ground?

Mr. Murphy.—Certainly not; let Mr. Wigham be excused.

27. Samuel H. Close, 31, Henry-street, challenged by Mr. Daly, solicitor for the prisoner.

78. Bartholomew C. Russell, ordered by Mr. Bolton to stand aside.
 25. Henry Warren, 28, Leeson-street, Lower, challenged.
 1. John Fuller Boake, 14, Dawson-street, sworn.
 53. William Slater, 58, York-street, stand aside.
 28. John Hatchell, Fortfield, Kimmage, challenged.
 100. Christopher Brady, 8, Liffey-street, Upper, stand aside.
 56. Ambrose Coffey, 30 and 31, Bridge-street, Lower, stand aside.
 50. Thomas Ovens, 14, Merchant's-quay, stand aside.
 55. George Booth, 4, Stephen's-green, North, challenged.
 70. James Booth, junior, 26, Ship-street, challenged.
 38. William Henry Bewley, Rockville, Blackrock, challenged.
 82. Frederick Blood, Alma-road, Monkstown, challenged.
 58. Henry Hayes, Vico-road, Dalkey, challenged.
 66. Patrick M. Purcell, 27, Lincoln-place, stand aside.
 82. Stephen Breslin, 57, William-street, stand aside.
 46. Robert White, 1, Frederick-street, North, challenged.
 67. Thomas W. Rutterford, 134, James's-street, called.
 Mr. *Daly*.—We challenge this juror for cause.
 Mr. *Murphy*.—Assign the cause.
 Mr. *Daly*.—That he served on the last jury.
 Mr. *Murphy*.—That is a mistake.
 Mr. *Daly*.—On the jury in the first case, I mean.
 Mr. *Murphy*.—He was not on that jury either, Mr. *Daly*.
 Mr. *Daly*.—I beg your pardon. I find I have been wrongly informed.
 Mr. *Bolton*.—Let the gentleman stand aside now.
 29. James Stewart Kincaid, De Vesci-terrace, Kingstown, challenged.
 92. James Smith, 14, Queen-street, stand aside.
 44. James Rorke, 138, Great Britain-street, stand aside.
 57. Joseph Martin, 48, Fleet-street, stand aside.
 61. James Martin, 3, Drumcondra-road, stand aside.
 18. Patrick J. Plunkett, 14, Palmerston-road, Rathfarnham, stand aside.
 80. Walter R. Trevelyan, Clifton-terrace, Monkstown, challenged.
 66. John Alfred Trench, 5, St. James's-road, Clonskeagh, challenged.
 12. Joseph Shannon, 57, Camden-street, Lower, stand aside.
 67. James Whelan, Kimmage-road, stand aside.
 70. Wm. Doyle, Lower George's-street, Kingstown, stand aside.
 2. Joseph O'Neill, Kinsella, St. Dolough's, stand aside.
 48. George J. Cockle, 20, Eustace-street, challenged.
 54. James M. Cole, Upper George's-street, Kinstown, stand aside.
 87. John Kinsella, Dolphin's-barn, stand aside.
 62. Joseph R. O'Reilly, Sans Souci, Booterstown, challenged.
 36. R. S. Treselian, 31, Lower Sackville-street, challenged.
 97. Patrick Ryan, 1 and 2, Townsend-street, stand aside.
 17. Patrick O'Neill, Kinsella, St. Dolough's, stand aside.
 54. Thomas J. White, 54, Abbey-street, stand aside.
 60. Edward Lynch, Springfield, Lucan, stand aside.
 13. Patrick Harvey, Rathcoole, stand aside.
 23. John Rigby, 24, Suffolk-street, challenged.
 63. Henry Booth, 141, Thomas-street, called, came to the book.

The *Clerk of the Crown*.—Prisoner look on the juror, juror look on the prisoner. You shall well and truly try, and true deliverance make—

Mr. *Bolton*.—Let him stand aside.

Mr. *Daly*.—Oh, you are too late now—

Mr. *Teeling*.—I would submit that it is too late to "stand aside" a juror when portion of the oath has been actually administered.

Mr. *Murphy*.—That is an entire mistake, we can intervene at any part, so that it is before the oath is finished.

Mr. Justice O'BRIEN.—It is entirely in the discretion of the court, and I have allowed Mr. *Daly* to challenge gentlemen repeatedly—upon both trials—when the oath had been partially administered, and I shall always allow up to the very last moment, the challenge or the intervention of the Crown to prevail. The rule, I take it, is—the rule upon which I will always act, is that the juror shall be sworn with the full assent of both sides.

Mr. *Teeling*.—That, my lord, seems to be very proper in principle.

Mr. Justice O'BRIEN.—In former times you know, Mr. *Teeling*, when the juror actually came to the book, the time had gone to say either challenge or stand by, but that is not so now.

Mr. *Teeling*.—I am glad the practice is changed my lord, and that the rule is as your lordship has put it—a most just one.

36. Robert Shaw, 62, Lower Mount street, challenged.

73. Edward Ryan, 23, Clare-street, stand aside.

89. William Coleman, 3, Liffey-street, Upper, stand aside.

16. Anthony Devereux, 132, Thomas-street, stand aside.

74. Samuel Smallridge, 55, Seville-place, stand aside.

56. Edward Fox, Glenageary Hall, Kingstown, called.

A Juror.—Mr. Fox has gone into the jury room, my lord.

Mr. Bolton.—Oh, he was excused, having served on the City Grand Jury.

Mr. Justice O'BRIEN.—He has gone to cover——

Subsequently Mr. Fox appeared in the jury gallery, and.

Mr. Justice O'BRIEN, addressing him, said:—Mr. Fox, it is observed that you have broken cover; do you wish to say anything for not attending when called?

Mr. Murphy.—Oh! He is excused, my lord——

Mr. Justice O'BRIEN.—Very well, Mr. Fox, you are excused.

76. Richard Booth, 63 and 64, Stephen-street, challenged.

52. Michael Roe, 28, Earl-street, stand aside.

49. John Martin, 38, Baggot-street, Lower, called.

Mr. Daly.—I challenge this juror for cause.

Mr. Justice O'BRIEN.—What is your cause?

Mr. Daly.—That he served on the first jury—the jury that disagreed.

Mr. Justice O'BRIEN.—That is no legal cause, but you can take means to have it determined in the ordinary way—whether that is cause or may be cause—whether he is indifferent or not by reason of his having served on a former jury.

Mr. Teeling.—The technical ground of our challenge—Mr. Daly did not put it quite correctly—is that the juror is not indifferent.

Mr. Justice O'BRIEN.—Very well, let a jury be appointed to have this issue tried. Mr. Murphy do you wish the issue tried, or can you dispense with it?

Mr. Murphy.—If there is no other ground than that stated by Mr. Daly, it would be a matter of direction for the court. But for the present I won't delay the proceedings; and though, perhaps, I should not yield, I will say to this juror stand by

100. Francis Ormsby, Kingsbridge Terminus, challenged.

33. Thomas J. Plunkett, Portmarnock, Baldoyle, challenged.

32. Terence O'Neill, Balbriggan, stand aside.

96. John Miller, 29, Church-street, Old, called.

Mr. Daly.—That is a challenge for cause, too, that he served on the first jury.

Mr. Murphy.—It is not necessary for me to try the question out now—let him stand aside for the present.

42. Wm. R. F. Godley, Forthill, Chapelizod, called.

Mr. Daly.—That gentleman was also on the first jury. I suppose like case like rule.

Mr. Murphy.—No, this must be decided; and, my lord, I will try it now.

Mr. Justice O'BRIEN.—Very well. Let triers be appointed—take two of the jurors who have answered.

Messrs. Thomas W. Russell, 102, Stephen's-green, and James King, 24, Eccles-street, having been sworn to try whether the juror “stands indifferent between the parties to this issue, to try the prisoner at the bar.”

Mr. Godley was sworn, and examined by Mr. TEELING.

You were one of the jurors in the first of these trials, I believe?—Yes, sir.

And you are aware of course that, upon that trial, evidence was given affecting the prisoner now at the bar—Thomas Higgins (Tom)?—Yes.

Now, may I ask you, have you formed any opinion as to his guilt—as to the guilt of the three——

Mr. Murphy.—I beg your pardon, Mr. Teeling—that is not the question.

Mr. Justice O'BRIEN.—It is not. I will ask the question myself. Mr. Godley, by reason of your having served upon a former jury, or from any other cause, will you be prevented from finding a true verdict upon this trial, according to the evidence?—No, my lord.

Mr. Teeling.—I need only say, after that answer, that there could not be the slightest objection to his serving, and I would beg of him distinctly to understand that in the course taken by me there was not the slightest intention to insult or annoy him—the inquiry was merely for purpose of ascertaining the state of his mind.

Mr. Justice O'BRIEN.—Certainly, and it shall not prejudice your client in any degree whatever.

The triers found that the juror stood indifferent to determine upon the issue submitted to him, and

William R. F. Godley was sworn on the jury.

59. James King, Crosthwaite-park, Kingstown, called.

Mr. Teeling.—I believe this gentleman also served on the first jury. I do not want to go through the same ceremony again—to put the juror or your lordship to trouble. I will be quite satisfied with the answer of the juror to the question put by your lordship without swearing triers at all.

Mr. Justice O'BRIEN.—I will put no question to him at all unless formal objection is made and tried in the ordinary way. I have no right to ask him any question at all—I would, if I did so, entirely exceed my own powers.

Mr. *Teeling*.—Very well, my lord—it was only to save time. I am bound to challenge now, but only in the sense I challenged the other juror, for cause. I have no objection to the same triers.

Mr. Justice O'BRIEN.—That cannot be. Mr. King, the subject of the inquiry, was one of the last triers. Take Mr. Godley and Mr. Russell.

Messrs. Wm. R. F. Godley and T. W. Russell being sworn as triers—

Mr. *King* sworn, and examined by Mr. *TEELING*.

I believe you served as a juror on the first trial?—Yes.

Mr. *Teeling*.—If your lordship would kindly give me the exact terms in which you put the question I will be obliged.

Mr. Justice O'BRIEN.—Yes, except from the circumstance of his having served upon a former jury, and leaving that out of consideration, is there any cause that would prevent his finding a true verdict in this trial according to the evidence?

Mr. *Teeling*.—You have heard his lordship's question, Mr. King—what answer do you give? I will be satisfied with your answer to it, whatever it may be?—It is according to the evidence that I will find any verdict.

Mr. Justice O'BRIEN.—Let the triers find then that he stands indifferent.—Verdict accordingly.

James King was then sworn on the jury.

Bernard Rispin, 34, Eccles-street, stand aside.

60. Thomas W. Russell, 102, Stephen's-green, south, called.

Mr. Justice O'BRIEN.—Now, Mr. Teeling, do you make the same objection?

Mr. *Teeling*.—I do not, my lord, with this juror.

Mr. *Russell*.—I suppose there is no use in asking to be excused myself.

Mr. Justice O'BRIEN.—I fear not.

Mr. *Teeling*.—Unless you could answer my question in the way I desire.

Mr. *Russell*.—I could not.

7. William F. Lennon, 39, Dawson-street, sworn.

94. Daniel Burke, 1, James's-street, east, stand aside.

16. Frederick Maple, Mario House, Blackrock, sworn.

80. Isaac J. Smallman, 17, Westland-row, sworn.

49. Arthur Rotheram, Longford-terrace, Monkstown, sworn.

82. Charles Coghlan, Kilbarrack, Upper Raheny, stand aside.

32. James McDonald, 31, North Wall-quay, stand aside.

95. Henry C. Bloxham, Terenure-road, sworn.

64. Laurence B. Rorke, Knockmitten, Clondalkin, stand aside.

31. Maurice Leonard, 94, Thomas-street, stand aside.

14. James Bolger, 35, George's-street, stand aside.

45. William Leyburn, Lower George's-street, Kingstown.

9. Michael O'Mara, 91, Mount-street, Lower, stand aside.

37. Patrick C. Warren, 1, Capel-street, stand aside.

65. Robert Mason, 106, Talbot-street, sworn.

6. Charles Kendall, 72, Gardiner-street, Lower, stand aside.

68. William George Sloane, 3, Stephen's-green, North, sworn.

42. Patrick O'Toole, 1 and 2, Dawson-lane, stand aside.

11. Patrick Ford, Swords, stand aside.

95. Joseph Connelly, Great Britain-street, stand aside.

89. Patrick Martin, 38 and 39, Ranelagh-road, stand aside.

29. James Fuller, 12, Dawson-street, stand aside.

76. John Merton, Lusk, stand aside.

47. James P. O'Reilly, Eglinton-road, stand aside.

10. Henry E. Phillipson, 29, Stafford-street, called.

Mr. *Phillipson*.—Could I not be excused, my lord. I served on two juries at this Commission.

Mr. Justice O'BRIEN.—I am aware of that, sir——

Mr. *Teeling*.—We challenge for cause if your lordship pleases.

Mr. Justice O'BRIEN.—Will you not pass this gentleman for the present, Mr. Murphy?

Mr. *Murphy*.—Yes, for the present, we have sufficient men.

15. John Low, Farmley, Dundrum, stand aside.

27. William Glann, 83, Pembroke-road.

Mr. *Bolton*.—Stand aside, on the same ground.

99. James Williams, 205 and 206, Great Britain-street, stand aside.

21. Charles Uniacke Townshend, 10, Burlington-road, sworn.

The jury having answered to their names as follows:—John Fuller Boake (foreman), William R. F. Godley, James King, Thomas W. Russell, William F. Lennon, Frederick Maple, Isaac J. Smallman, Arthur Rotheram, Henry C. Bloxham, Robert Mason, William George Sloane, and Charles Uniacke Townshend.

The *Clerk of the Crown* said.—Gentlemen of the jury, in number two, the prisoner at the bar, Thomas Higgins (Tom), stands indicted, that he on the 3rd of January, 1882, feloniously, wilfully, and of his malice aforethought, did kill and murder one Joseph Huddy. To that indictment he has pleaded not guilty. Your issue is try and inquire whether he is guilty or not.

Mr. *Murphy*.—Gentlemen of the jury, the prisoner is placed on trial before you, charged with the wilful murder of a man named Joe Huddy. Of course it is impossible to suppose that you all are not aware of a good many of the circumstances under which this charge is preferred, and is likely to be pressed against the prisoner at the bar. But I feel perfectly certain it is totally unnecessary for me or the counsel who act for the prisoner here, to ask you to put aside, as far as you possibly can, altogether from your mind anything whatever that you have previously heard with respect to the tragedy in which two persons, Joe Huddy and his grandson, lost their lives, and also the facts that have been proved in this Court previously, and have appeared in the public prints. Your duty is, and that I feel confident you will fulfil, to concentrate and fasten your minds altogether on the evidence that will be now adduced before you, and when you have heard it, examined into it, and weighed it with all the skill and judgment that you are capable of, to give a true and honest verdict in accordance with the conviction that that evidence will bring home to you. If it satisfies you—that produced on the part of the prosecution, that the prisoner is guilty, your verdict will be that of “guilty,” but if it does not fully and completely satisfy you, and bring home moral certainty to your minds, then your duty will be to bring in a verdict of “not guilty” against the prisoner, no matter what suspicions or what doubts you consider the evidence may raise against him. It will appear to you in evidence that a man named Joe Huddy, who acted as bailiff on the estate of Lord Ardilaun, left his residence on the morning of the 3rd of January, in order to serve some civil bill processes or ejectments on portion of the estate of Lord Ardilaun. The day of the 3rd of January, I believe, was the very last day for effecting service for the approaching Quarter Sessions, at which it was intended those ejectments should come on to be heard. My Lord Ardilaun had, in a portion of the county Galway, bordering on Lough Mask, some townlands called Cloughbrack—Cloughbrack Upper, Cloughbrack Middle, and Cloughbrack Lower. He had a good many tenants on these townlands, paying each small sums in rent, but having, I believe—in some instances at least—tolerably extensive holdings; and for over three years, I understand, his lordship had not got a shilling of rent from a great many persons on those townlands. That was not at all because of any case being made out by them, or because of representations made by them that there were bad seasons, or that they were unable to pay; but it was part of a general combination on the property against the payment of rent to the gentleman entitled to receive it; and having borne with that for a long time, my lord considered it necessary in January last to issue several civil bill ejectments against the persons who so refused to pay him any rent. In the townlands of Cloughbrack there were to be served, on the day of the 3rd of January, ejectment processes to the number of twelve or so—certainly up to twelve. Huddy was the bailiff appointed to serve them, and I think you will be perfectly satisfied that it was well known on these townlands that he was to visit them some time prior to the quarter sessions, in order to serve the civil bill ejectments; because the agent, Mr. Burke, had declared the determination of Lord Ardilaun to enforce payment of the rents that were due to him; and I think you will be satisfied that Huddy was expected, and that preparations were made to meet him. He took with him, to accompany him, I suppose, for the day, a little grandson, aged, I believe, about sixteen or seventeen years, if so much. They both started very early on the morning of the 3rd of January from a place called Creevagh, which was situate seven or eight miles from the first portion of these townlands where he had to effect service. They started on a car, and must have arrived at the place tolerably early in order to perform the duty that Huddy intended to perform on that day. Now, I dare say most of you are aware of the mode that must be adopted by any person serving a law process, whether ejectment or any other kind of law process. He has what is called the original writ or document, and in cases of ejectments for the Civil Bill Courts they are stamped with a 2s. 6d. stamp. That is, the originals are so stamped. Then he should, even in the case of only one tenant, have a copy to be served on him, stamped with a 6d. stamp. Should there be more tenants than one, whether in the position of under tenants, or in possession of some other portion of the premises, it is generally considered—at least in the case of other tenants—it is generally considered necessary or safe to have a copy for each one of these, in order that the service may be deemed complete

when the matter comes before the court, and lest it may be said such and such a person, having some interest in the possession of the lands, has not been served with notice of the proceedings. When the civil bill officer effects service at any house or place he is to leave the copy with the person on whom he is to effect service, and he should then make an indorsement on the original writ or process, stating that he has, on the given day, effected service by leaving a copy at the house or with so and so, at such a place; for, on looking on it afterwards in Court, he proves that service, and, in case of his death before the matter came on for hearing, his entry so made, in the ordinary course of his business, is admitted as evidence of the fact that service had been effected. Now, poor Huddy started on this day that I have mentioned to you, with a good many civil bill processes. The sub-agent in the office had given them to him some time previously—nearly a dozen, for different persons on the three townlands that I have named. The poor fellow, whose age was, I believe, over seventy years, was an intelligent little man, as I understand, and had been a long time in the performance of duties similar to this—he was a remarkably methodical person, faithful and honest in the discharge of the duties imposed upon him. After coming to that road called the Clonbur-road, there is a road running from east to west tolerably close to Lough Mask. (Map handed to jury). That road will be known to you as the Clonbur-road. There is one large main road running from north to south from off that Clonbur-road, which will be known to you as the Cornamona-road. Huddy came from the Clonbur direction, from a place called Crevagh; and he appears to have left the main road at a point marked on the map, and he came to the house where you see the words “Mary Walsh” written. The real tenant of that place is the widow Comar. Bridget Comar, whose daughter Mary was married to a man named Walsh, and Mary Walsh and her husband lived in the house with Bridget Comar, the widow, but Bridget Comar was the tenant, and, I suppose, as to that house there should be two copies of the writ, for the old woman should be served as well as the other people. Huddy left his car down on the Clonbur-road. We don’t know what arrangements he made, we could not give it in evidence, what arrangements he did make as to where he was to meet that car again, but he never met it again. He was never seen alive again by the carman who drove him, nor the little boy. Now, gentlemen of the jury, the aged man Huddy, and the young boy, just entering on life, left the car there that morning, but did not return to their home that evening, and it was at once known that they had met with foul play. A search was made for their bodies, in the direction which they had taken, next day, for at once the conviction came home to all that Huddy and his grandson must have been murdered. The only expectation of those who were searching was, that they might find the dead bodies of the two men who went out that morning, on the duty I have told you of. That was on the 3rd January. The officers of justice were there that evening. I shall tell you presently how far they were able to get upon the track of the crime, but they became satisfied soon that the place to search for the bodies of the murdered men was in Lough Mask. A cutter from Her Majesty’s ship *Valorous* was brought overland with great difficulty, into Lough Mask. From some rumours or reports that reached them, or some secret intelligence, they got after some days, they were able to confine their searches to a place bordering on these little islands you see here (points to islands on map). I believe on one of these islands they found some large stones disturbed or displaced, and in that neighbourhood, on the 27th January, they found the two bodies, that of Joe Huddy, the old man, and that of the young boy, aged sixteen or seventeen. That of the young boy was then tied up in a sack, tied up with a stone of immense weight—I should think (you will see it here) up to half-a-hundred; and there was tied to the legs of the old man—his body was not in a sack—an equally large stone, or probably larger, and both would have kept the bodies secure at the bottom of that lake as long as the means by which they were attached to the bodies would have lasted. Poor old Joe Huddy had with him at the time of his death a large overcoat. He was accustomed to wear it, and he had inside that some kind of little coat with pockets at each side of it. An examination was made of the pockets of his coat, and in the inside pockets, in each, I believe, of the inside pockets there was found some papers, and they were only altogether six in number. Three of them appeared to have been three of the original processes that he got for service, and three others were copies. The three copies were not copies exactly of the originals, but there were in all only six documents, three originals and three copies. Gentlemen of the jury, those who were engaged at that period with the utmost activity in investigating this crime, were able to satisfy themselves, at least, that Joe Huddy had never been seen alive after he came to the place where you see the name of Matthias Kerrigan, and that his progress or that of his little grandson, could not be traced after he had reached that spot. And it will be proved beyond all doubt or question before you,

that they were right in that conclusion, and that Huddy and his grandson had met their fate. Up to that part of the breen that runs off from the Clonbur road in the direction of some bog or hill that is up there, they ascertained that he had called early in the morning it must have been, at the house where Mary Walsh was living. The only occupants of the house on the morning of the 3rd were Mary Walsh herself and a little child only three or four years of age. She had been delicate for a considerable time, and had been accustomed to keep her bed for week after week. The poor woman had been ailing for a long time, I believe. She was in bed on that morning when Joe Huddy came, and he effected service of the process at her house. Her husband and her mother, the Widow Comar, were absent from the preceding day—the 3rd January, I may tell you, was Tuesday—they were absent from the preceding day, Monday, intending to go to the funeral of a neighbouring man named Joyce. He was, as a matter of fact, buried on Tuesday, and if it should possibly come into this case he was buried five or six miles away from this townland, they ascertained that he had called at Mary Walsh's, the car I believe could not travel up the place at all. The little boy was found to be with him, and they ascertained that the next place they called at, was the house of Patrick Moran, and at Patrick Moran's house he effected service of the process by giving a copy of it to his wife, Mary Moran. Now, Mary Walsh will tell you, that she got up in order to take this, but she cannot fix the hour. She cannot tell to what hour she remained in her bed. Mary Moran must state, that when he called it was, as she calls at least early in the morning. The course he should then have taken in order to continue service of the writs and documents he had, at least the most natural course, would have been to cross some moorland here, and come down upon the Cornamona road, and came down again to the Clonbur road. He did unquestionably come down on the Clonbur road after he was seen by James Flynn and Mark Flynn, who live in one of these houses. One of the inhabitants of these houses had got up that morning, eaten his breakfast, he said early, because he wanted to go some distance, and after he came out, just upon the road, he saw Joe Huddy and this little boy along the road making either for the place where you see the house of James Macken—that point of the road he should have come up—this little breen where you see the first house of Michael Corbett, next Patrick Macken, next Patrick Higgins. Now, gentlemen, his course then was, so far as we can ascertain, first at the house of Mary Walsh, next at the house of Patrick Moran, next to cut across this road and turn down near that place where you see America written—came along over it to the west, leaving that road and coming up towards the place where you see Matthias Kerrigan's name written. Now, he should have served in that course some persons in Cloughbrack, Middle, for whom he had writs. There were persons along the road up here—he had writs, certainly, for Patrick Macken, he had writs, certainly for Patrick Higgins, he had writs for Matthias Kerrigan—he had writs then—some distance off—you see two names Patrick Kyne and Luke Kyne—and for a person named Hyland, who lived up also in that direction—of Pat and Luke Kyne, and which certainly was beyond the house of Matthias Kerrigan; and as he served the persons whom he ought to have served, when he met them at Mary Walsh's house, and at Pat Moran's house, and some of the others, and then Cloughbrack Middle, and others towards the house of Matthias Kerrigan. It is to be presumed that the experienced man, who went out to discharge his duty on that day, knew it was the last day he had to fulfil that duty, effected service on all the persons who lay in his course, from the house of Mary Walsh, going round that way to the house of Matthias Kerrigan. Now, gentlemen of the jury, this model I have before me represents that breen; you have then, what appears on the map, with the names of Macken, Higgins, and Kerrigan, and it leads on to some little bog land or mountain, some distance further on, about half a mile or perhaps a mile. That represents accurately the house of a man named Patrick Higgins, for whom Joe Huddy had a process of ejectment, and on whom he might have effected service that morning, and on whom, I ask you to believe, he certainly did effect service. I may tell you that when the officers of justice went there—peace officers and others—they found the utmost difficulty in getting any information whatsoever, and they came to the conclusion, from some little answers they used to get to questions put here and there—they came to the conclusion that Joe Huddy and his grandson lost their lives some where in this portion of the breen, and that shots were fired there on that day ascertained beyond any doubt. They made several arrests in the neighbourhood. They arrested that night, or next day or so, the occupants of this house, the man Patrick Higgins; they arrested Matthew Kerrigan, and his young son, named Matthias. They made several other arrests, but were utterly unable to gain any specific information as to how Joe Huddy and his grandson had been despatched except that shots had been heard, and they came to the conclusion that they two had been murdered, and that the shots that were heard that day had been fired at

Joe Huddy and his grandson; that the bodies were found in Lough Mask. An examination was made of them, and it was found that they were quite correct, at least as to the conclusion they came to as to the cause of death. Joe Huddy had five bullet wounds on him; four on the head, one on the back of the head penetrating into the brain; another in the front also penetrating into the brain—either certain death to nature. Two others in the side of the head had glanced off, and went in the shoulders—five in all. The little boy had been despatched by two bullets that had entered the brain, either, I believe, quite certain to have produced death, and they came, as you will come, to the conclusion, that there must have been two armed men at least engaged in that dark work. They became satisfied in their own minds, I suppose, that the inhabitants of the house near which they were convinced—I believe they found on some parts on the walls—searching with that keenness and sharp-sightedness which they must pursue in bringing out crime in this country—they found some bullet marks on the walls that gave them further proof. They had only localized previously the place where the shots were heard—they found some bullet marks on the wall, and they became convinced that the inhabitants of that house could not be ignorant of the circumstances under which this murder was perpetrated in broad noon daylight. Kerrigan and his son, with others, were arrested. The only other occupants of the house were his wife and a little boy, who was about only eleven, or perhaps going on twelve, years of age, and a little girl aged nine or ten. He had another daughter who was away at the time in service in some part of the country. It was perfectly patent that the assassination of these two men on that day was the result of some organized conspiracy—by some persons who were directed to take the lives of the persons who had dared to come to serve any legal process, in defiance of the mandates of those who thought they were then governing, and who could continue to govern this country. It was done in the broad noon full light of day; at least must have been about breakfast time. From the hours they ascertained the Huddy's had started, and the hours at which they had been at these two places, they found the bodies had been buried in Lough Mask two or three miles away from the boreen. It must be accurate, and I suppose several persons must have seen these bodies carried down along the boreen crossing to the Clonbur road proceeding to the edge of the lake, taking bodies there along to some islands where the stones were disturbed. The placing of large stones, if so it must have been done by several men engaged in it, and, of course, were it not for the terrible feature of sympathy that exists with crime and assassination, that in some cases terror produced by apprehension of giving any information whatever—they must have felt satisfied that there was a great many in the district who could place their hands, if not on the persons that had actually committed the assassinations, at least the persons they saw in the disposal of the bodies. Of course it is perfectly manifest to you that the persons who committed the murders, that the thing they sought after was the speedy disposal of the bodies, and whoever were engaged in directing the disposition of the bodies could contrive a way by which they should be so concealed as to elude all possible search that might be made for them. These persons of course were they who were engaged in the perpetrating of the crime. Gentlemen of the jury, let me now tell you that the perpetration of that crime on the evidence we shall adduce before you was witnessed by at least four persons. By at least four persons, and in all probability, before the evidence is concluded, you will consider that there were more persons spectators of it than the four you will hear give the shocking details of the circumstances under which this assassination was perpetrated. Two men named Halloran, father and son, who lived at some distance from this place, a little to the north, heard shots. They came forward after placing some corn in their barn, and they knew, I suppose as well as we do now, the work that was going on. They came forward to take a peep over the wall, and they saw the head and shoulders of three or four men, and they saw one man. They placed him about here, and the one man they placed about here was the inhabitant of that house, Patrick Higgins. Out on the boreen they placed him but they did not see any one of the inhabitants of the house which I may say was the house of their next door neighbour. They did not see either Matthias Kerrigan, or his wife, or son, big or little there at all. When they took this either terrified glance, or this glance, which I submit was just sufficient to satisfy them, "It is bad work." I hope they counted it so. There were a great many looking at it who thought it good work, but they satisfied themselves it was bad work was going on, and they left the place, and went back to their work, and did not inquire further into the proceedings of that day. Gentlemen of the jury, we shall show you how these bodies were conveyed down along this boreen. These two men gave this evidence, and just only the

amount I tell you, heard two shots said the father, heard two shots said the son, took a hasty glance, saw three or four men they did not know, and the last of them down on the street—I suppose they mean the street or roadway—here was Pat Higgins, the last of them—the last of the three or four men. It is a fact of great significance in this case that when poor Huddy's body was discovered, there was found on him, as I tell you, three original processes, which were those he should keep, the originals, to prove the service, and there was not found the original process belonging to any house down below the line I point out to you. There was found no original process for the widow Comar, there was found no original process for Patrick Moran, there was found no original process for a man named Conry, who lived down there, or for a man named Macken, who lived next, or for Pat Higgins, who lived in this house. It is perfectly manifest there was at least some search made in his pockets, that they were rifled of some documents after the murder, and it is a fact of dreadful significance, as marking out the place where the fate overtook him, that he was rifled of all the documents that could prove service at any of the places where he had effected service. There was found on him the original process I believe for a man named Hyland who lived there.

Mr. Justice O'BRIEN.—Copies of the Kynes' suits.

Mr. *Murphy*.—Thank you, my lord. Yes, there was found the original process for this man. Some for others beyond that, but there was not found the original copy unquestionably for the places where we could prove he effected service, namely, the Walsh's or Cornar's, and Moran's, nor for this house, or the house next it, where he ought to have effected service, and for which he had undoubtedly received documents. I have to tell you he effected service on places that he passed that day in order to effect these services. Gentlemen of the jury, the murder was witnessed by Matthias Kerrigan, by his wife, Bridget Kerrigan, one of the murders by his son Matthias, and the two by his little boy, Martin, under circumstances I shall now mention to you. Matthias Kerrigan will swear that he was in his barn, threshing oats, or cleaning out some corn; his wife was engaged at the time throwing out water into the yard here. I may tell you that this place is the street, the little curtilage between the houses. She was engaged throwing out some water from potatoes she had boiled for their breakfast, and the little boy, Martin—a boy of ten or twelve years of age—a smart, intelligent boy, was going from the dwelling-house towards his father with some small basket for some purpose he will tell you, and his position was about here. They saw the old man, known to the husband and wife, not known to the little boy, with him young Huddy—not known to any of them. They saw the two men coming along together, and they just come to about this point when they were followed and overtaken by three men; Pat Higgins, the occupant of this house, and a man named Michael Flynn another, and the prisoner at the bar the third. If their evidence is true, they had evidently followed them up here, and had arranged at what place they were to perpetrate this terrible deed. Higgins came after that aged man with a stone, he took from off one of these dry walls, struck him in the head—whether he kept the stone in his hand or threw it at him I don't know; felling the old man easily. He was a man much superior in size and strength to him, and when he felled the old man the prisoner at the bar, and Michael Flynn—the two armed men that perpetrated this, and who were according to the evidence I will submit to you, the men chosen for this assassination—the prisoner at the bar, and Michael Flynn, fired five shots into him, each eager to be the first to despatch him, one firing in front and the other at the back; and the little creature ran off, was overtaken by Michael Flynn, who seized him by the collar and knocked him down. I don't know whether he had spent the five shots of his revolver, but the prisoner at the bar came up then, seized the little creature by the collar, and hurled him on the ground “What the devil brought you here.” The prisoner at the bar rushed on and fired two shots into him. Gentlemen of the jury, the son who had gone for some turf was coming down this hill, towards the house. The turf was brought in two large baskets placed as paniers. There is no cart way. It is a small bridle path. When he came down he saw the old man lying with his head towards the wall, and he saw the other two men in the act of despatching the boy young Huddy. He was seized on by the prisoner at the bar, caught by the collar, “Come on here.” Higgins, the occupant of this house, ran into the house of Kerrigan, took a sack out of it, and the body of the younger boy was placed in the sack. They got from some other place a large basket or cleave. I think you will be satisfied that Higgins ran into his own house for it, put the body of the older man into the cleave. Higgins and Flynn went on with the body of the older man, and they left the prisoner at the bar for the disposal of the body of the younger. The prisoner caught young Kerrigan, told him, “Put this upon your back.” He refused to do it. He insisted, and he was told if he did not he would be sorry—“You will not be thankful”—some phrase of that kind, spoken

to him in Irish. The unfortunate young fellow was obliged to submit, and go along with the bag, accompanied by the prisoner at the bar. Soon after they had left, another man was seen coming down here, and his name is also Pat Higgins, distinguished from the occupant of this house by "Sarah." He was coming down here; he followed after them, and he evidently must have overtaken them before some place—about the house of either Corbett or Macken, a little bit further down. Now, that man Pat Higgins (Sarah), who will be here pointed out by the witnesses, and is not in this indictment—he is charged with being an accessory after the fact; and I shall tell you at least that he can, if necessary, be examined as a witness for the defence, for he is not in this indictment. But, gentlemen, we will tell you that this Patrick and Sarah followed down, Michael Flynn and the occupant of this house having gone before, and the prisoner at the bar accompanying young Kerrigan. We say that he did the work which he insisted on his doing. Just when they came down here, near to the house of a man named Corbett, there was an old, decent man. When they came down here young Higgins stumbled under his burden, whether from not being able to carry it, or from reluctance or terror. They made the old man, named Mannion, a decent old man—evidently he was coming out of the house with Corbett—the prisoner at the bar seized him, caught him by the collar, dragged him along the road, gave him a trip up so as to bring him out on that part of the road—"Come get this on your back"—the old man objected—his objections were in vain. Prisoner at the bar insisted on his placing it on his back, and it was transferred from Kerrigan's back to the back of this old man, Mannion. Mannion went a little with it, stumbled, and fell on his knees. Higgins [Sarah] came up, and it was passed to his back. He took it evidently without any objections whatever, and Higgins [Sarah] and the prisoner went on with the corpse of young Huddy. Mannion and Kerrigan, glad to be released from the ghastly and loathsome work, went at once to their own houses. Mannion was close to his own place, and Kerrigan came back to his own house. As I have said before, the persons who perpetrated the assassinations were of course those who were evidently concerned in at once disposing of the bodies and making arrangements for it, and I suppose had appliances down at the edge of the lake for placing the bodies in the boat and carrying them out to a portion of the lake where they intended to deposit them. Kerrigan being in prison, his wife and children had either of two courses open to them, either to keep this a secret from all the authorities, just as I most respectfully submit most of the inhabitants were keeping it a secret, or else to disclose it and be looked upon in the light of informers, prepared to leave that part of the country and never to show their faces there again. The man who lived here, Pat Higgins, who was the first to run after that aged man, and who knocked him down, was first cousin to the wife of the man Kerrigan, and there was never any dispute between them. Kerrigan was at first arrested on this charge, after a time released from it, and arrested again under the Coercion Act that was then in force. He was discharged, however, on the 11th September, and rearrested, for it is perfectly plain that the gentlemen who were hunting up this matter became convinced that the person at whose house they were murdered, and where the bullet marks were, must know something of it. He was rearrested again, and on some day in September he, in prison, made known what he had seen. His wife was brought in to Galway, and his son Matthias, and his little boy Martin; they told their story and immediately the prisoner at the bar was arrested, and the third of the assassins, Michael Flynn, and from what they told it was ascertained what Mannion could do; because young Kerrigan must have told, of course, how he met Mannion, and how it was Pat Higgins (Sarah) took it up. Every word that they told was found to be true, they told this, of course, *prima facie*, it would be as if bringing themselves into guilty connexion with the crime; they told how he had come in and taken the sack out of their house, and how it was a sack belonging to them in which the young boy was found buried in the lake. The sack had been in the possession of the police for a long time, months and months before that, but no vestige or trace of its identification was existing; it was one of the common ordinary sacks found in a country house. They told how it was taken out of their house. The cleave they did not know where they got it. The two cleaves on the donkey's back might have been emptied and taken, but they did not take them; they did not know where the cleave was got, but the sack was taken out of their house. Gentlemen of the jury, if the evidence of the Kerrigans was for a moment out of the case altogether, and if you found the prisoner at the bar seizing Mannion—first having one person carrying the body of the little boy—if you found him seizing Mannion—insisting that he should be his bearer for the purpose of disposing of this body, and that we have no other means whatever for accounting for the disposition of the other body except that given by Kerrigan and his son—namely, that Michael Flynn and

the prisoner had gone on before them, it is perfectly evident if you find Mannion seized upon by the prisoner for the disposition of the body, you have at least one of the men engaged in the commission of that crime. And on hearing the evidence of that Matthias Kerrigan and his wife and children—they have lived there all their lives—nothing can be charged against them during the period they lived there; quiet, peaceable, and, I believe, well conducted (you shall hear their evidence)—upon hearing their evidence, and that of Mannion, and that of the Hallorans, confirming it in every tittle, I apprehend very little doubt will be left on your minds that the man who pressed Mannion into this service was the prisoner at the bar, and that the man who pressed Kerrigan into the service was one of those engaged in this terrific assassination.

John Henry Ryan sworn, and examined by the SOLICITOR-GENERAL.

Mr. Ryan, you are a Civil Engineer?—I am.

And you prepared the maps before the jury, and this large map?—I did, sir.

What is the scale of the maps before the jury?—From twelve inches to the mile, and the large one, four feet to the mile.

Do they accurately represent the portion of Cloughbrack dealt with?—They do.

I want to get some distances from you. You know the main road from Clonbur running to the west?—I do.

Where does it lead to in the other direction?—To Glentreagh and Finny.

Do you see this point here—the roads where the Huddys were supposed to have gone, the first that branches off the main road?—Yes.

What is the distance from that point to Mary Walsh's house?—466 yards.

And to Pat Moran's?—886 yards.

And from Pat Moran's up to the Cornamonna road, it is about a third of a mile?—585 yards.

From that point up to where the road joins the Clonbur road, what is the distance?—300 yards.

And to the corner of the breen at Macken's?—530 yards.

And from the corner of Macken's turning down to Matthias Kerrigan's?—235 yards.

That would be altogether 2,952 yards?—Yes.

That is between a mile and a half and two miles?—Yes.

What is the character of the ground here between this house of Moran's and the Cornamonna-road?—There is a little hill between the house and the small tree marked on the plan. The ground is of a moory nature.

You know Wood Island in Lough Mask?—I do.

It is a little further west than what the map includes?—Yes.

How far is Wood Island from the point of the lake nearest to Macken's?—About 400 yards.

That is from Macken's up to the lake?—Yes.

And from that point in the lake how far is it to Wood Island?—It is very nearly a mile.

Mr. Justice O'BRIEN.—From the margin of the lake to Wood Island? Yes, almost a mile.

Solicitor-General.—What is the character of the ground between the corner of this breen and the nearest point of the lake?—It is undulating rough ground. It slopes towards the lake.

Is it covered with grass?—Yes, fields and partly rock.

Mr. Justice O'BRIEN.—There are no roads?—No.

A Juror (Mr. Russell).—I did not catch the answer you gave to the Solicitor-General as to the character of the ground between Moran's house and the Cornamonna-road?—Between Patrick Moran's and the blue streak, you see, there is a hill intervenes, and from that on to the road it is flat moory land.

It is a road a man could walk across?—Yes.

The Solicitor-General.—Is it all open?—It is all open. It is not actually a bog.

Do you see on the Clonbur road a house marked James Flynn and Mark Flynn?—Yes.

Were these pointed out to you as the residence of these people?—They were.

There is a house laid down upon the map, in pencil behind these two, further on in the road—is that the house of a man called Michael Flynn?—Yes.

Was the house of the prisoner Thomas Higgins pointed out?—No, I ascertained it recently.

It was further on I believe?—It is 1,153 yards from Macken's.

Mr. Justice O'BRIEN.—On which side?—On the south side.

The Solicitor-General.—Was this model prepared under your direction?—It was.

It is in two parts ?—Yes.

Was this portion, that of Kerrigan's house, first prepared by yourself ?
—Yes, that was the portion first prepared.

What does this model represent ?—Kerrigan's house and premises—this is his house and this is his pig sty (pointing to the model).

What is the width of the street between the house and the boreen ?—Twenty-nine feet.

And the depth of the house ?—Sixteen feet.

Does this correctly represent the lane or boreen about it ?—It does.

What are those walls ?—Rough loose stone, Galway walls—no mortar.

Do you know the house of the people called Hallorans ?—Yes.

What is the character of the outline between these two houses ?—It is hilly between the boreen and Halloran's house.

And from Halloran's house could you get a view of Kerrigan's ?—No.

Would you have to go some distance ?—Yes, to a point seventy-five yards from Kerrigan's house, in order to see Kerrigan's house.

You could see people standing on the road from that ?—Yes. I sent down a policeman for the purpose.

A *Juror*—Is the ground ascending from Kerrigan's house up ?—Yes.

Between Kerrigan's and Halloran's house it still ascends ?—Yes.

Solicitor-General.—Does it run uniformly between Halloran's and Kerrigan's ?—No, it is on rise first and then on level, and then it rises after Halloran's house.

Mr. Justice O'BRIEN.—Is that so, that there is first an ascent, then there is a level, and then there is an ascent again ?—It is, my lord,—Halloran's house is situate on the first level.

Solicitor-General.—What house does this represent ?—That is the house of Patrick Higgins.

Was this made under your superintendence ?—Yes.

And that is Halloran's house ?—Yes.

Do you know what is called Higgins' garden ?—I do ; it extends—(pointing out a place on the map). There is a low wall or trench marking it.

Is there a house upon the road at this point ?—Yes, there is a house between the two houses, half way.

Mr. Justice O'BRIEN.—Does the road divide the land north and south opposite Kerrigan's ?—East and west.

The *Solicitor-General*.—There are some matters which Mr. Adams wishes to ask about—some billock on the road. I only want to say you could only see the boreen from that point ; you could not see the street at all ; and I never stated you could see the street. Mr. Adams was under the impression I did.

Cross-examined by Mr. TEELING.

You see John Macken's house ?—Yes.

We want to know the distance up to the place where it turns to Mary Walsh's ?—It is not quite a mile and a half. It is 6,050 feet.

That is where the Huddys presumably left the road and went down to Mary Walsh's ?—Yes.

The distance from John Macken's house to Thomas Kerrigan's house up the road is, how much ?—1,157 yards. I was asked did I measure that, and I said I did not ; but a policeman, Mr. Routledge, gave me that, and I did not measure it for myself.

Then that is estimated ?—Yes.

Mr. Justice O'BRIEN.—But it is founded on the Ordnance map, and that is as accurate as anything could be.

William H. Goode, sworn, and examined by Mr. MURPHY, Q.C.

You are in the office of Messrs. Burke and Darley, who act as agents for Lord Ardilaun ?—Yes.

You know Joe Huddy ?—Yes.

He had been bailiff on the estate for many years ?—Yes.

He was an old man ?—Yes.

What kind of a man was he, small or otherwise ?—Medium size ; rather small.

A very old man ?—Yes, rather.

Do you recollect, prior to the 3rd January, having given him some civil bill ejectments, originals and copies ?—I do.

Did you give him some for persons named Pat and Luke Kyne ?—I did.

And for Pat Comar (Mark), and Matthias Kerrigan ?—Yes.

And for Patrick Macken ?—Yes.

For Patrick, you gave him the original—how many copies were there ?—There were three copies in that case, because there were two marked Patrick Kyne.

Besides Patrick Macken himself ?—Yes.

And for Patrick Higgins ?—Yes.

And for Patrick Connery ?—Yes.

And for Bridget Connery?—Yes.

She is the woman whose daughter is married to John Walsh?—Yes.
And there were two copies also?—Yes.

How about the average rent due by these persons—was it three years?—Yes.

Mr. Justice O'BRIEN.—Was there any civil bill for a person named Corbett on that road?—No, my lord.

Mr. *Murphy*.—There is for Patrick Maeken?—Three copies for Patrick Macken.

I believe the average rent was about three years?—A great many owed a great many more than that, and very few much less.

Patrick Higgins's yearly rent was £1 16s. 1d.?—Yes.

And he owed £5 19s. 10d.?—Yes, it was something over three and a half years.

Matthias Kerrigan, how much?—Three and a-half years, exactly.

A *Juror*.—How many originals had you altogether for this townland?—Twelve originals.

Mr. *Murphy*.—Did you ever get back, from his son who lived in his house with him, any of the originals belonging to this townland?—I did not.

You got back, I believe, some of the papers in his house?—A large number, and I examined each of them separately.

You got none of the originals belonging to this townland?—Nor did I see any of the copies, except the copy sent to Bridget Comar.

Mr. Justice O'BRIEN.—Did all the originals belong to this townland?—Yes.

Mr. *Murphy*.—There are three denominations, but they are really one townland.

These are three of the writs. (Documents produced)?—Yes.

And there are three copies I believe?—Yes.

Mr. Justice O'BRIEN.—Did I understand you to say, about the copy served on Bridget Comar, that that is the only document got back?—That is the only document I saw afterwards for the townland.

It was served, was it not?—

Mr. *Murphy*.—Yes, the attorney saw it with her. (To witness).—Except these three copies and three originals, you never saw again the documents that Huddy got?—No.

You got none from the Morans?—No.

You got none from Patrick Maeken?—I saw no others.

Were you in this townland yourself recently?—Not recently.

You know where these persons, Hyland, live?—No, I have a very general knowledge of it.

Cross-examined by Mr. ADAMS.

Did Patrick Mannion owe any rent?—I have no books here, and I am not able to answer any questions about any tenant except these twelve.

Mr. *Murphy*.—He means that an ejectment was not sent to Mannion.

Mr. *Adams*.—He does not know whether he owes rent or not. You told us Matthias Kerrigan owed three and a half years rent—an ejectment was sent against him was it not?—Yes.

And that is the Matthias Kerrigan who is to be examined as a Crown witness on these trials?—Yes.

Thomas Huddy sworn, and examined by the SOLICITOR-GENERAL.

Are you a son of old Joseph Huddy?—Yes, sir.

He was bailiff on Lord Ardilaun's?—He was.

What age was he at the time of his death?—About seventy.

Where did he live?—At Creevagh.

How far is that from Clonbur?—About eight miles, sir.

Is it on the Clonbur side of Cloughbrack?—It is on this side (indicating).

Between Clonbur and Cloughbrack?—No.

No; Clonbur is between Creevagh and Cloughbrack?—Yes.

And going to Creevagh you pass along Cloughbrack?—Yes.

You go along the Clonbur road of course. Was there a nephew of yours living at Creevagh?—There was.

What was his name?—John.

Do you recollect the morning of the 3rd of January last?—I do.

Did you sleep in your father's house the night before?—I did.

Did you see your father that morning?—No, sir, I heard his voice in the kitchen.

Did you see your nephew that morning—your nephew John?—I did, sir, he came to my bedside.

I may not ask you what he said. You saw him that morning?—Yes.

When did you get up?—About seven.

When you got up had they gone?—They were not in the house; they had gone.

Did you yourself see any vehicle—any car?—No, sir; I heard the noise of a car.

Well, I cannot ask you what you know of any arrangement. After you heard the noise of the car on the breen, did you ever see your father or your nephew again?—No; I did not.

Now, after he was killed did you make a search for his papers?—I did, sir.

Did you know where he was in the habit of keeping them?—I did, sir; he had a box for keeping them.

What did you do with the papers you found?—I found the originals he had served processes of previous to the day he went to Clonbur. I brought them to the agent's office.

Were they all right?—They were, sir.

Did the box contain any for the Cloughbrack tenants?—No, sir; I did not see.

Were there any Cloughbrack papers left behind?—No, sir.

You gave over all you got?—I did.

I should have asked you what age the boy was?—He was fifteen or sixteen years of age.

Did you see their dead bodies?—I saw them at Clonbur courthouse.

At Clonbur courthouse. Do you know when that was?—The 27th and 28th of January.

The 27th and 28th of January. Were you searching for them in the meantime?—I was, sir.

Cross-examined by Mr. TEELING.

You say that it is eight or nine miles from Creevagh to Clonbur?—I could not say exactly, but that is my opinion.

They are Irish miles?—They are, sir.

A *Juror* (Mr. T. W. Russell).—Did you ever accompany your father on missions of this kind?—Not to my recollection, sir.

Then do you know if—that is all—I don't suppose—

Mr. Justice O'BRIEN.—You always lived with him—your father?—Yes, sir.

A *Juror* (Mr. Russell).—What I wanted to find out, my lord, is—I want to find out if it was the habit of Joseph Huddy, when he came home at night, to endorse the originals of the processes as being served, or was he in the habit of endorsing them when he served them.

Mr. Justice O'BRIEN.—I fear that cannot be asked; he could not give any evidence on that point.

A *Juror* (Mr. Russell).—That is it—I was just afraid of it.

The *Solicitor-General*.—That will do.

Mary Walsh sworn, and examined through the Interpreter by Mr. JAMES MURPHY, Q.C.

What is her name?—Mary Walsh.

Is John Walsh her husband?—Yes.

They live in Lower Cloughbrack?—Yes, he does—they do.

Is her mother the tenant for the lot of ground they have?—Yes, she is, Bridget Comar?—Yes.

The widow?—Yes.

Does she know Pat Comar (Mark)—Pat Comer (Mark)?—She does not.

Very well. In Upper Cloughbrack—does she know a man of that name in Upper Cloughbrack?—She does not know him.

Very well. Did she know Joe Huddy who was bailiff to the estate?—She did.

Does she recollect the last day she saw him alive?—She remembers the day that he went past.

What day of the week does she recollect was it?—Tuesday.

Did he call at her house?—He did.

Was she up at the time he called?—She was not; she got up.

Did he give her any paper?—He did.

Did he give her more than one?—He did, another.

Very well, another. He gave her two. Did she see anyone with him?—The boy.

Did she see in what direction they went when they left her house?—She did not know where he went. She was sick, and when she got the papers she put them in the box.

And did she go back to bed again?—She did.

Was there anyone else in the house except herself and the little girl?—That was all.

Was her husband and another—were they away from the previous day?—Yes, since the Monday morning previous, at daylight.

Did they come home that night at all?—They came home on Tuesday night.

Very good. Was it late when they came home?—Falling night.

Mr. Justice O'BRIEN.—To a funeral, she said.

Mr. *Murphy*.—Yes, my lord, they had finished. It was night when they came home.

Mr. *Teeling*.—I don't want to ask her any question.

Catherine Moran sworn, and examined by the SOLICITOR-GENERAL.

Witness, before taking the oath.—I have sworn the truth twenty times.

The *Clerk of the Crown*.—What is your name?—*Catherine Moran*.

The *Solicitor-General*.—You will have to be examined again, ma'am.

Witness.—I swore the truth—I am tired swearing.

Did you know Joe Huddy?—I knew him well.

When did you see him last?—I cannot tell you, but the last time I saw him he served me with a process.

Where—in whose house?—In Pat Moran's house.

That is your husband's house?—Yes.

Was there anyone with him?—I passed no remarks, sir. He was in with me himself personally. Nobody else was with him but himself.

Was there anyone with him outside?—I can't say that; but when he went outside he spoke—when outside.

Did you hear the person outside speak to him?—No.

Did you swear lately that you did. Did you swear that by the voice it was a boy?—I did not. I did not hear the voice.

Did you know the voice?—I did not.

Did you swear this, "On the morning of the Huddys murder, Joe Huddy served me with notice of ejectment?"—Yes.

"There was a boy with him?"—I partly guessed.

How did you partly guess?—I heard since.

Where did you hear since?—I heard from a good many.

Where did you hear that?—I heard it yesterday.

Yesterday?—Yesterday, and a good many times since.

Was that the reason—you heard it yesterday and the day before—that you swore there was a boy with him?—I heard several times.

Do you know that you swore it in Galway jail, on the 14th October last?—I did not swear it. I was brought to Galway jail first, but I was not sworn, and I told the truth as well as if I was sworn.

The second time you were sworn, did you swear there was a boy with him?—I did not swear, but I partly guessed.

I am not asking you what you guessed. Did you swear?—I did not.

On the 14th of October, after the crime, before Mr. Brady—did you swear anything before Mr. Brady at all?—I did not know Mr. Brady. I know this gentleman that was questioning me. I swore I was served with a process.

Now, was this what was read to you—"On the morning of the murder of the Huddys Joe Huddy served me with an ejectment for Lord Ardilaun against my husband. There was a boy with him. It was early in the morning?"—I did swear it, your honour.

You were telling the truth?—Yes, your honour.

Mr. *Teeling*.—I don't want to ask her anything.

James Flynn sworn, and examined, through the Interpreter, by
Mr. JAMES MURPHY, Q.C.

Tell me, does he recollect the day he last saw Joe Huddy?—He does not.

He does not remember, but does he recollect seeing him after Christmas last?—He does not know the time or so, but remembers seeing him on the road the time he left home.

Very well—wait a moment, now—Ask him had he taken his breakfast the morning he saw him?—Yes, he had, and he was just going out from home.

Ask him had he taken his breakfast early that morning?—He had.

Now, when he was going home—does he know where Macken's house is?—He does well.

Was Joe Huddy going over the road in the direction of John Macken's?—He was on the road. They were going—they were taking the road to Macken's house when he saw him.

They were taking the road to Macken's.

Interpreter.—Going in that direction. Walking from that.

Did he see anyone with him?—He did not.

Did he speak to him at all?—He did not.

Does he know where Michael Flynn lives?—He does.

Did he know where a man named Hyland lived?—He does not know there was any man of the name about his place at all.

Does he know a man named Thomas Hyland?—He has no remembrance.

Mr. Justice O'BRIEN.—Ask him how soon after that day he heard of the Huddys being missed?—He went away from home and did not

return until late in the evening, and then he heard the police inquiring for him the day after.

Mr. *Murphy*.—The day after exactly.

Mr. Justice O'BRIEN.—Do you ask him any question?

Mr. *Adams*.—No, my lord.

Head-Constable *John Concannon*, R.I.C., sworn, and examined by the SOLICITOR-GENERAL.

Are you a Head-Constable in the Royal Irish Constabulary?—Yes.

Were you engaged in searching for the Huddys in January last?—Yes.

You know the place, the boreen, at Kerrigan's house?—I do.

Did you examine in the neighbourhood of that house, the boreen?—I did.

When?—On the 8th of January.

Did you find anything at the boreen?—I observed a bullet mark in the wall at the distance of about ten yards from the house, the boreen that comes up from the road to Kerrigan's house, at the junction of the wall.

That is Kerrigan's house and this boreen—this is Kerrigan's house here (pointing to Kerrigan's house on the model)?—Yes.

Could you show where?—(The witness here pointed out the position on the wall.)

At the curve there?—Yes.

Were you able to judge the way it was fired?—Yes.

Did it appear to be fresh?—Yes, there were the marks of lead.

Mr. Justice O'BRIEN.—Ten yards, constable, do you mean?—About ten yards, my lord, from the nearest point to house.

Cross-examined by Mr. ADAMS.

And at the other side of the boreen from the house, as I understand?—Yes.

You did not find any bullet there?—No.

You made search for the bullet, but you did not find it?—Yes.

But marks of lead?—Yes.

You say you can form no theory as to where the man was who fired the bullet?—No.

Matthias Kerrigan sworn, and examined (through the Interpreter) by Mr. MURPHY, Q.C.

Ask him is he a tenant of Lord Ardilaun, and residing at Clough brack?—Yes, he is.

Ask him what family he has?—Four children, and his wife.

In January last, where was his daughter Bridget. Was she at service ask him?—She was at service.

Is she grown up?—She is.

What is the name of his elder son?—Matthias.

What is his age?—He is fifteen years of age last harvest.

Fifteen years last harvest. What is the name of his youngest son—wait, now, Martin is his name. What is his age?—He is ten years of age next Saint Stephen's Day.

Does he recollect—did he know Joe Huddy?—He did.

Did he know his grandson?—Not till that day.

Does he recollect the last day he saw Joe Huddy alive?—He does.

Where was he when he saw Joe Huddy that day first?—On his boreen.

Where did he see Joe Huddy come—in what direction?—He saw him coming from old Higgins's—in the direction from old Higgins's.

Whereabouts was he on the boreen when first he saw him—Joe Huddy?—At the corner of the house exactly.

Was there anyone with Joe Huddy at that time?—Yes; the boy was with him.

Did he see any persons coming up after him?—He did.

How many were there?—Three.

Had he known the three before that?—He had.

Ask him who were the three he saw coming up after him?—Pat Higgins, Thomas Higgins, and Michael Flynn.

Mr. *Murphy*.—The prisoner (pointing to the prisoner seated in the dock), Michael Flynn, there?—(Witness looked at prisoner and replied) "Yes, that man there."

Mr. *Murphy* (to warder in dock)—Have you the other Michael Flynn here?—Yes, sir.

Bring him forward.

To Interpreter. Is that the Thomas Higgins there, pointing again to prisoner?—Yes, that is Thomas Higgins.

(Michael Flynn was then put forward to the front of the dock).

Mr. *Murphy*.—Ask him is that Michael Flynn?—That is Michael Flynn, the other man.

(Michael Flynn was then put back).

Ask him was Pat Higgins the man who lived in this house (pointing to house represented at right hand of model)?—Yes.

Now, is Pat Higgins any relation of his wife?—Yes, he is first cousin.

Did he see any of the three men he has named, do anything to Joe Huddy?—He did.

Which of them did anything to him first?—Pat Higgins at first knocked him.

Did he see whether Pat Higgins flung a stone at him, or held it in his hand?—He was very close to him. He was not more than the length of his arm from him.

When he struck him?—When he struck him.

Did Joe Huddy fall?—Yes, next the wall.

Was it against the wall, away from his house—from the corner of the house?—He fell into that wall, and there by the corner of the house?

Did either of the two men, Flynn or Tom Higgins, do anything to him then?—Yes, they put shots into him when he was down.

What did the little boy who was with Huddy do?—The very moment the little boy saw the old man down he ran.

Did anyone run after him?—Yes, he says Michael Flynn followed him and caught him—took hold of him by the collar and knocked him down on his knees and mouth on the road.

What was done to the little boy then?—That man, Tom Higgins there, put two shots into him.

Where was his son Matthias in the morning—where had he gone to?—He went off for a load of turf that morning when he got up.

Did he see when he came back—did he see him when he came back?—He did.

Were they—what time did he come back exactly?—What time, sir?

Yes, what time did his son Matthias come back?—He came back at this point when the prisoners were murdering the boy.

Was Joe murdered or killed before he saw his son Matthias come back?—He was murdered at the corner of the house, and the boy was here at the corner of the barn.

Now, what was done with the little boy after he was shot—with the body?—They put him then into a bag.

Where did they get the bag?—Old Higgins got it in his own house.

In whose own house?—The witness's own house. He ran into it.

What was done with the body of old Joe?—It was put into a basket or cleave.

Who put it into the cleave?—Michael Flynn and old Higgins.

What was done with it then?—They took it along then in the boren, in the direction of old Higgins's house.

Who took it?—Pat Higgins put it on his back and took it off.

Did the two go away together?—Yes, together.

What was done with the little boy's body when it was put into the sack?—Tom Higgins put it on his son's back, and told Matthias, the son, to stand there and take this on him, and if you don't stand here and do this, I will make you sorry.

What did the boy do when he was told to take it?—Well, he shrank, or kept out from it.

Well?—Thomas Higgins put it on his back.

Where did they go then, when it was on his son's back?—They went up the same boren or road which is there.

Did he (the witness) leave his street at all?—No, he was about the house, not away.

While they were murdering the old man and the boy where was his wife?—She put her head outside the door just at the same time throwing water out.

Where was the little boy, Martin?—He was going across the street with a basket to him to the barn.

To the barn over there—from where?—He was coming out of the dwellinghouse into the barn.

From the dwellinghouse into the barn. Now, after the men went down with the bodies did he see any person passing down along the road after them?—He did.

Who was the man he saw going down?—Another Pat Higgins.

Pat Higgins (Sara)?—Yes, Pat Higgins (Sara), with a basket of turf on his back.

And a basket of turf on his back. Now did he at the time he saw this done— Had he taken his breakfast before that or was it coming to breakfast time?—He had not a bit of breakfast done in the house that day when that work was done.

How long was the son Matthias away before he came back again—when he went down the boren?—Between half an hour and three quarters till he returned again.

Did he see Pat Higgins, who lived in this house, that day at all after that?—He did not see him that day after.

Did he see the other Michael Flynn, or the prisoner?—He did not—either of them.

Is that Pat Higgins (Sara), that went down the road after with the basket of turf?—

(The prisoner, Pat Higgins (Sara), was at this juncture put forward).

Is that the man?—Yes, that is the other man.

Mr. *Murphy*.—Let him stand back for a moment. We will want him again.

Ask him (the witness) when was he arrested after that?—The night of the same day.

Was his son, Matthias, arrested also?—He was taken that same night.

Did he know the others that were taken—did he see them taken himself?—He knew they were taken.

When did he get out of jail?—Eleven weeks last night.

Cross-examined by Mr. TEELING.

Now, would you ask him how much rent he owed to Lord Ardilaun on the day that Huddy came?—He did not know—two years or two years and a half.

Ask him will he swear it was not three years and a half?—He does not know whether it was two years or two and a half years, but he always paid his rent, and his honour knows that.

Tell him to answer the question. On his oath will he swear he did not owe three and a half year's rent the day the Huddys came?—He does not know what rent, but he is certain it was not higher than two and a half years.

Now ask him, did he expect to be served with an ejectment for it?—He is telling what his wife told him with regard to it.

Let him tell it?—His wife told him that Mr. Burke told her that the ejectment was to come.

Now ask him didn't he expect the ejectment on the day on which Huddy was in the breen?—He did not. He did not know what day he would come.

But whatever day he would come did he expect he would bring the ejectment with him for him?—He knew it was to come, but he could not tell what day it was to come.

Then, is this what he means—that whatever day Huddy did come he was supposed to bring the ejectment with him?—He was, sir.

Then, when Huddy came that morning he had no doubt he had the ejectment for him?—He says to your honour that he does not know whether he had or not, but he knew he was to come with it.

I know. Now, on his solemn oath, wasn't he served on that morning by Huddy with the ejectment?—On his oath he was not served.

Very well; and he can swear by all the books under you, gentlemen, that he did not get a process that day.

Tell him one book would be sufficient if he was telling the truth. Now, would you ask him how long he has been in jail—how long he was in jail?—He spent three quarters there.

Nine months?—Nine months.

What was he charged with?—Taken because they were murdered at his house, and he was charged with it.

He was charged with it?—Yes, because they were murdered at his house.

Ask him was he charged with the murder the whole time he was in jail?—He knew it was, and were it not, he would not be put into jail.

Now, ask him was there any other charge against him while he was in jail, charged with murdering the Huddys?—He never heard anything against him during his life, except the charge in that case.

Except the murder?—Yes, the charge in that case.

Now, ask him, when did he first tell his present story to the police?—He told it eleven weeks last Monday.

Ask him, was he in jail when he told it?—He was.

And it was after that he told his story to the police—that he got out of jail?—Yes.

Now, doesn't he know, that before he told his story to the police, other persons who had been charged with the murder had been discharged from jail?—He knew they were, but very shortly till he was let out.

Exactly so, very shortly till he was let out. Doesn't he know that a number of persons were in jail for the murder?—He knew there were thirteen men of them put in for it.

And he was the person who was kept till the last?—Yes, he was, because the authorities would not know any single thing about the truth or wrong of it, until they told them.

But all the others were out—that will do. I will not proceed with that any further. Now, ask him was there blood in the breen or in the

street beside his own house on that morning—the blood of the Huddys—It was in the boreen where the old man was murdered and where the boy was murdered there.

Now, ask him, wasn't it the fact that it was his wife that wiped away all trace of the blood?—It was the wife took away the blood because she was trying to save all in her house.

To save them from being charged with the murder. Ask him to give an answer to that?—She did not care who was charged with it, only to save all in her own house.

Then she did not care who was charged with it—the thing was to save herself?—She did not care, but she did not wish to have it said that the thing had been done at that spot.

Exactly so. Now, will you ask him to whom did the sack belong in which the younger Huddy was taken down the boreen after his murder?—Out of his house, by old Higgins.

His own sack?—His own sack.

Taken out of it by Patrick Higgins?—So he says—old Higgins.

Now, ask him, when old Higgins took the sack out of his house did he (the witness) go down with him to get it?—He did not.

Very well. Did the stone, which he says old Higgins fired at old Huddy, strike old Huddy?

Mr. *Murphy*.—He did not use the word “fire.” What he said was that he struck him.

Mr. *Teeling*.—Did old Higgins use a stone in striking Huddy?—He was no further than the length of his arm when he hit him there (pointing to the bottom of the head)—God save the mark.

Did the stone go out of whatever hand it was in that struck Huddy?—Yes, the stone did leave his hand, and hit him like that (indicating).

Then it is a fact it was fired at him?—He did.

It was. Did that stone strike Huddy down to the earth?—It was; he fell that minute.

Where did the stone strike him?—There on the back of his head.

That is all I have to ask. Wait. Now show him that model and ask him to point out the spot where Joe Huddy fell when he was struck with the stone?—He fell with his head and shoulder in against this wall here (pointing to model). That is what he says.

Where did the boy fall now?—He fell exactly at the corner where Michael Flynn overtook him, and went no further.

Now, ask him, was it not his own son that took the body of one of the Huddys on his back and carried him down the boreen?—That man (pointing to the prisoner) put him on his back.

Yes, of course that is what the jury have to try.

A *Juror*.—Did he make any effort to prevent his son carrying the body?—Yes, and the son did too. He told him to have no hand in it, and then the boy shrunk away, and after that this boy (the prisoner) took him and shook him, and said “Come out here and take him a piece of the road or I will make you sorry.”

Mr. Justice O'BRIEN.—He says he told him to have no hand in it, and then he says the prisoner shook him, and said, “Come out here or you will be sorry.”

Mr. *Murphy*.—Had he seen the revolver with the prisoner?—He did, and with the two.

Had he any firearms himself?—He had not, nor since he was born, and would not fire it no more than that stick.

A *Juror*.—How long after the murder did his wife remove the blood?

Mr. Justice O'BRIEN.—She will tell you that herself, gentlemen. She is here to be examined.

Bridget Kerrigan, sworn, and examined by the SOLICITOR-GENERAL, through the Interpreter.

Is she the wife of Patrick Kerrigan?—She is.

Was she at home on the morning the Huddys were murdered?—She was.

What was she doing?—Cooking her meals—her breakfast—cooking her breakfast.

Did she know Joe Huddy?—She did.

Did she know his grandson?—She did not.

Did she see Joe Huddy that morning?—She did.

Where was she when she saw him?—Out on the road, at the back of her own house.

Was there any one with him?—Himself, and a boy, and three men.

Were the men along with him or behind him?—They were behind him.

Where was she when she saw them?—Throwing water out at the door.

Where was her husband?—He was in the barn.

Where was her son Matthias?—He came up with a load of turf.

Was he there at the time the Huddys came?—Not at that time.

Where was her son Martin, the little boy?—He was going out to the barn with a cleave to put chaff into it.

Now did she know the three men that were behind the Huddy's?—Yes, she knew them well.

Who were they?—Thomas Higgins (Tom), Patrick Higgins, and Michael Flynn.

Does she see any of them here?—That (pointing to the prisoner), is Thomas Higgins (Tom).

Does she know Patrick Higgins well?—She did, well.

Was he their next door neighbour?—He was.

Was he any relation of her's?—He was.

What relation?—A first cousin.

Was he related to her husband also?—He was; something distant.

Did she see anything done to the Huddys—to Joe Huddy?—She saw him knocked with a stone on the road.

By whom?—Patrick Higgins.

What happened to him—did he fall?—He did.

Did he move after he fell?—He raised his head like that (indicating), and fell off again—fell down again.

What was done to him then?—Shots were put into him by Thomas Higgins and Michael Flynn.

Out of what?—Out of the pistol. She had no knowledge of him.

Had they both got pistols?—Yes, each of them had pistols.

Does she know how many shots were fired?—She does not. It was not that she was minding, for she was shaking.

What did the boy do when the old man was knocked down?—He ran to the corner of the barn.

Did anyone follow him?—There did.

What happened to him?—Michael Flynn—

What did Michael Flynn?—Michael Flynn caught him by the back of the collar and knocked him down on the road, just as she describes them.

Where was the prisoner at that time?—He followed the little boy also, and put shots into him as well as Michael Flynn.

Followed him as well as Michael Flynn?—After Michael Flynn, and put shots into him, as well as Michael Flynn.

Who put the shots into him?—This man (pointing to the prisoner), she says.

Now, did her son Matthias come up?—Her son Matthias came up while they were killing the boy.

Where was he coming from?—From the bog with a load of turf.

Was it on a donkey?—On a donkey.

In creives?—Yes, in creives.

Was anything done to him?—The old man was put into a basket.

Who put the old man into the basket?—Patrick Higgins and Michael Flynn.

And what did they do then?—The boy then was put into a bag.

Who put him into the bag?—This man (pointing the prisoner), and Michael Flynn.

What man?—This man—she pointed to the prisoner.

Who got the sack?—It was got in the corner of her loft.

Who got it there?—Patrick Higgins.

When the boy was put into the sack, what was done with him?—He was hoisted on her son's back.

Did he take it away?—They put it on him, and he had to take it.

Why had he to take it?—Wasn't it better for him to take it than to lose his life.

At that time where were Patrick Higgins and Michael Flynn?—They were gone off with the old man.

Down the borean?—Off the borean from the house.

Who went with her son when he had the sack on his back?—This man here beside me (pointing to the prisoner).

Was that some time after the old man had been carried off?—The difference of time lying between the dispute that arose between the prisoner and her son with regard to carrying the boy away on his back.

Tell what the dispute was?—For fear she would tell a lie, she says she is not certain whether he said, "you won't be thankful," or "you will be sorry if you don't put it on your back."

What did the boy say?—He said first of course he would not take it; but in the end he had to take it. He was too weak.

When did he come back—the son?—That is, after taking it away?

Yes?—Well indeed it was not long—a short time.

Now, ask her was there no blood on the borean?—There was.

Where?—At the end of the house.

Was there any at the barn?—There was a little, she says first. What she says is this, there did not come so much blood from the little boy as from the old man—that when the old man was struck with the stone there came a good deal from him.

And what became of the blood?—She herself cleaned it. She brought an armfull of hay and put it on it, and rubbed it with her feet.

When?—When the corpses were taken away.

Cross-examined by Mr. ADAMS.

Ask her did she always tell the same story she tells now?—It is the same story she told now as she told before—always.

Ask her did she ever say Thomas Higgins, the prisoner, was not there at all? Ask her did she ever say that this man did not commit the murder. Yes, did she ever say that Thomas Higgins (Tom), was not there at the murder?—How could she say it and he doing it.

Ask her did she ever say Thomas Higgins (Tom) was not there at the murder at all?—How could she say it and he doing it?

Ask her did she ever say it, yes or no?—She did not, why should she.

Mr. Justice O'BRIEN.—You must indicate the occasion, Mr. Adams, on which you say she said it, and if you don't contradict her, you are bound by her answer.

Mr. Adams.—Did she ever say that John Joyee of Kilbride was there?—She did not, indeed. How could she say it, and he not in it.

Ask her did she know that for nine months her husband was in jail. That he was in jail charged with the murder of the Huddys?—She knew well it was for that he was taken—for the murder was committed at the back of her house.

Yes, of course. Did she know her son was in jail, charged with the murder of the Huddys?—She knew well he was.

And did she say one word, while her husband and son were in jail, about who did the thing?—She did not speak about it until her husband told it, and all.

And that was for over nine months?—It was three quarters of a year.

Ask her what did she sweep away the blood with—with straw she said?—With hay, sir.

Did she use a broom?—She put an armful of hay on it, rubbed her foot on it, and then poured water over it.

Ask her when she did it—how soon after the men were killed did she wipe up the blood?—

Mr. Justice O'BRIEN.—She said when the corpses were taken away.

Mr. Adams.—But how soon after—was it a minute after the corpses were taken away?—They would be very near John Macken's house on the road when she commenced to clean up the blood. There were very little gone at all.

When she began to clean up the blood?—It was not her wish to be there at all, but she thought it better to clean it away.

Ask was it her husband told her to clean up the blood?—Sure she knew herself it was right to do it, but she is not sure whether he did or not.

Just ask her again to remember was it her husband told her to clean up the blood?—She can't say whether he did or not, but she done it.

Mr. Justice O'BRIEN.—She did it?—She did it, my lord.

Mr. Adams.—Ask her where she was when she threw away the water—was she at her own door or where?—She went outside the door with the water—that was on the flag.

On the flag—is the flag in front of the door?—Out a little from the door.

Out a little from the door. Ask her was it at that very minute she saw Joe Huddy?—At the time she saw Pat Higgins in view, knocking him down with the stone.

Ask her did she see Joe Huddy come down the boreen at Higgins's?—How could she see him unless she was on the road. It was when she was on the flag she saw him.

Ask her was it when she stood on that flag throwing out the water she saw Joe Huddy knocked down?—She went out with the water. That minute she saw Higgins take the stone off the wall and knock old Huddy down.

Where was it—ask her to point out where old Huddy was—old Joe?—This side of the boreen (pointing to model), and she was here on the flag herself.

Did she say a word when she saw the man knocked?—No, but she struck her breast, and said, Lord have mercy on us, or, God save us.

Ask her, on the virtue of her oath, was it not her own husband knocked the man?—She says on her oath it was not, nor had he any hand in it no more than I had.

Did she know that Joseph Huddy was coming down?—She did not.

Did she know he was coming sometime that day?—She did not know, but her mistress told her there was a process, and in the meantime she was endeavouring to make up the rent. She could not tell whether he would come or not.

Did she know that a process for the Ouhgterard sessions was coming to her husband?—She knew well. Her mistress told her it was to come.

Did she know it was Joseph Huddy served the processes on that estate, and that he was Lord Ardilaun's bailiff?—She says, why would she not.

Did she not know then, that Joseph Huddy was coming with the process to her husband?—Sure, she says, she knew well; the mistress told her he was to come, but she did not know that he was to come that day.

Do you remember the time some of the Cloughbrack people were discharged from jail while your husband was kept in?

Mr. Justice O'BRIEN.—They were discharged in Galway and she was a long distance from it.

Mr. Adams.—Very well. I will not ask the question.

The *Solicitor-General*.—Ask her whether she has already told the same story?—Yes, and she told the truth.

Was she examined in this court twice before, and is not this the third time she was examined here?—Yes.

And was she down on the 14th October in Galway?—She was.

I cannot use her information. Did she give the same story that she is giving to-day?—She was telling the truth each time.

Did she ever name anybody else—did she name any person named Joyce, or anyone else except these three?—She did not. How could she when there was none there but the three.

Did Joseph Huddy serve any process on her husband that morning, or on herself?—No, no more than he left it with me, nor was he allowed to go leave it with him.

A *Juror*.—Ask her if she knows where the cleave was got in which the body of old Joe Huddy was taken away?—She does not know no more than I do. She has no knowledge about it.

The *Solicitor-General*.—Stop for a moment. There is a question arising out of that. Was it a cleave of her own or her husband's?—The basket was not hers at all, good or bad.

Matthias Kerrigan, an Irish-speaking witness, sworn, and examined through an Interpreter, by Mr. MURPHY, Q.C.

Does he recollect the morning the Huddys were murdered?—He knows it was coming on Little Christmas.

Where had he gone on that morning?—For a load of turf.

How was he to bring the turf home?—On an ass.

Had he a car or had he baskets?—A pair of baskets in a straddle.

A basket each side of the donkey?—Yes.

When he was coming near his own house what was the first thing he saw?—He saw three men in the boreen, that is these three men.

What were they doing when he saw them first?—The old man was murdered on the road before him; Thomas Higgins and Thomas Flynn were murdering the boy.

Where were they murdering the boy?—At the back of the barn.

How were they murdering him?—With shots.

Did he see who shot him?—He did. It was Thomas Higgins.

Did he see what was done with the body of the old man?—He saw it put into a basket or cleave.

Did he know where the cleave was got?—He did not; it was on the boreen when he came up.

Did he see who put the body into the cleave?—He did.

Who did it?—Thomas Higgins and Michael Flynn.

What was done with the boy's body—was it put into anything?—Thomas Higgins and Michael Flynn put it into a bag.

Did he see where the bag was got?—He did not. Wherever they got it Thomas Higgins had it.

When he came up?—Yes.

After it was put into the bag did Thomas Higgins say anything to him?—He caught him by the collar, and wanted him to put that on him.

What did he do?—He said he would not.

What did Thomas Higgins say then?—He said, "If you don't put it on you, you won't be thankful to yourself."

Had he seen a revolver in Thomas Higgins' hand when he was shooting the boy?—He had.

Did he see any other revolver than the one he saw with Thomas Higgins?—Not at that time.

Had he before that seen any other revolver?—He says he did not. The old man was murdered when he came up, and he only saw the one with Tom Higgins.

Where did Michael Flynn and Pat Higgins go when the body was put into the cleave?—They went out in front of the boreen.

Who carried the cleave?—Pat Higgins.

Who put the sack on his back then after Tom Higgins spoke to him in the way he did?—Tom Higgins.

Did Tom Higgins go down with him along the boreen?—He did.

Did they meet any person down on the boreen besides Thomas Hig

gins and he?—They met Patrick Mannion, who came out of James Corbett's.

Was he the first person they met?—They met two altogether. Mannion was coming out of Corbett's house, and Pat Higgins (Sarah) was coming immediately after them.

Did Tom Higgins do anything to Pat Mannion when he met him?—He caught him by the collar, and told him to hoist that upon him.

How did he catch him. Ask him what he did to him?—Held him, and pulled him by the collar, and pulled him down on his knees.

Was the sack taken from him, and then put on Pat Mannion?—It was.

How far did Pat Mannion take it?—To his own cross-road.

What happened Pat Mannion then?—They were trying to hoist it on him, shoving him on, and he left it there.

On whose back was it put then?—Pat Higgins (Sarah).

What did he (the witness) and Mannion do then?—Mannion turned home on his own boreen, and the witness turned home on his boreen.

Did he see any of them after that, either Tom Higgins or Pat Higgins (Sarah)?—No, except he saw them going down in the direction of the lake.

Does he recollect seeing Pat Higgins, his next door neighbour, or cousin, that day, Pat Higgins (Long)?—He saw him again advanced in the day, drawing on evening.

Ask him where he himself was when he saw him?—On the hillock above the barn.

Where was Pat Higgins (Long) when he saw him?—He was coming on the hillock, drawing towards his own house.

Where is the other hillock?—Beside his own barn—at the back of it.

Was it near Corbett's house and Macken's house?—It was near to Macken's.

Cross-examined by Mr. TEELING.

Ask him was he in jail for this murder himself along with his father?—He was.

How long was he in jail for this murder himself?—He is not sure whether it was a fortnight or three weeks.

What jail?—Galway jail he was in.

Ask him how far he had to go for the turf that morning?—It was not too far, but it was a good distance.

How long would it take him to go for the turf and come back again?—About an hour.

Did he bring back a load of turf?—He did.

Had the sun risen when he left for the turf that morning?—Just rising.

How soon after he left Corbett's house did he meet Higgins and the others?

Mr. Justice O'BRIEN.—He says he saw men coming from Corbett's house, and at the same moment he saw Pat Higgins (Sarah).

Mr. Teeling.—How near was he to Corbett's house when he saw Mannion?—By the side of it, just up by it.

Does he know who was in Corbett's house?—He did not go into it that day.

Does he know who was at Mannion's house?—He does not, for he was not in it.

Ask him did he also see his mother clearing away the blood?—When he came back the blood was cleaned, and he was told it was her cleaned it.

But it was all gone when he came back?—Yes, for there was not much blood in it.

A Juror.—Is that the Tom Higgins, the prisoner, you saw committing the murder?—That is the man he saw killing the boy (pointing to the prisoner at the bar).

Martin Kerrigan, an Irish-speaking witness, sworn, and examined, through an Interpreter, by the SOLICITOR-GENERAL.

Ask him was he at home the morning the Huddys were killed?—He was.

Did he know old Joe Huddy?—He did not.

Nor the boy?—No, but he saw the two murdered there.

What was the first thing he saw?—He was going out to his father in the barn when he saw Patsey knock the old man down with the blow of a stone.

What Patsey?—Pat Higgins.

Whereabouts was that?—At the back of the boreen; then Michael Flynn and Thomas Higgins came, and put shots into him.

What happened to the boy?—Michael Flynn caught him by the collar, and put his head down to the ground, and followed him, and Thomas Higgins came then, and put a shot into him.

Had the boy ran away?—He had run as far as the back of the barn.

What was done with the old man's body?—Pat Higgins put it into the cleave.

What was done then about the boy's body?—It was put down head foremost into a bag.

Mr. Justice O'BRIEN.—Who did he see firing at the boy?—Thomas Higgins.

The *Solicitor-General*.—Is that the man (pointing to the prisoner)?—That is him; he saw Michael Flynn too.

Did he know them perfectly well?—He did.

Where was the sack got?—He does not know where they got the bag.

What was done with the body of the old man after it was put into the cleave?—Michael Flynn hoisted it on Pat Higgins.

And what became of it?—They carried it off.

Who carried it off?—Pat Higgins.

Did Michael Flynn go with him?—He did.

And where did they go to?—Down the boreen.

After they were gone away what was done with the sack the boy was in?—His brother came with a load of turf, and Thomas Higgins wanted to put it on his back.

What did his brother say?—"You will not," said he. "If you don't you will be sorry," the other said.

Who said that "that if you don't you will be sorry?"—Thomas Higgins, the prisoner.

Was it put on his brother's back then?—They put it on him then in spite of him.

Where was he made to take it?—They went on the boreen, and he went into his own house.

Did Thomas Higgins go with the brother?—He did; followed behind him.

Did he see any revolvers that morning?—He saw them with two.

With whom?—With Thomas Higgins, the prisoner, and Michael Flynn.

Did he see his brother coming back?—He came again very shortly.

Did he see what was done with the blood?—The father and mother then cleaned the blood.

Where was the blood?—At the back of the barn.

Could he show the place where the bodies were?—(Witness pointed out on the model with a stick, the position the bodies were in). The old man was there (pointing), and the boy was there—the head of the old man in by the wall there (pointing).

Cross-examined by Mr. ADAMS.

Did he say when he saw all this, he was going to his father in the barn with a basket?—He says his father was standing at the barn door, and called on him to bring the basket to him.

Was his father standing at the barn door, when he says Pat Higgins (Long), tumbled old Huddy?—He was.

Was he inside the barn door?—Standing in the door.

And inside the door, ask him?—No, he was a small thing out.

Ask him, if his father swore he was in the boreen when it happened, would that be true?

Mr. Justice O'BRIEN.—The witness misrepresented nothing that was said by anybody. He never said anything approaching to it.

Mr. Adams.—Ask him did he make a deposition before the magistrates in Galway?—He did.

Ask him did he in that deposition state that he was in the house when he heard the shots?—He did not.

Ask him did he put his mark to that deposition?

Mr. Justice O'BRIEN.—Ask him, did the magistrate put his hand on the pen?—Yes, he left his hand on the pen.

Mr. Adams.—Ask him, did he swear this, "I am son of Matthias Kerrigan, of Cloughbrack"?—He did.

"I was at my father's house the day the men were killed in the boreen"?—He was.

"I heard shots"?—When he was going out to the barn.

Did he swear he heard shots?—He did.

"I was then in the house, and went out to the door"?—He was not.

Ask him, did he swear that at Galway?—He did.

Then, what is down here, is that wrong?—It is not what he says now.

Ask him did he swear in Galway he saw the two dead bodies lying on the boreen?—He did.

Ask him did he swear in Galway he saw anything himself, except the bodies lying on the boreen?—He saw that Michael Flynn, Pat, and Thomas Higgins were there.

Ask him did he say at Galway he saw any body shoot any body, or throw a stone, or anything except that he saw the two bodies?—He did, he swore more than that.

Then is it true if he swore in Galway he only saw the two bodies?—He says he swore more in Galway than merely saying the two men were dead on the road.

Did he swear it in Galway?—He did.

Did he know his father and brother were in jail for this business?—He did.

Did he know they were charged with the murder of the Huddys?—He did.

Did he for nine months ever say a word of the story he told now?—He did not. They knew, he says, as well as himself. He means his parents.

Did he say a word to the police about it for nine months?—No.

Were the police talking to him about it?—They were.

What did he say to them when they asked him did he know anything about it?—He says the first time the police were going round questioning people, they questioned him, and he said he saw nothing of it.

That was a fine lie, ask him?—It was a lie, because he thought his father would come out, or be let out.

Did he know the policeman, Tom Finn, that was at the iron hut?—He did know him.

Did Tom Finn often question him about this business?—He did.

How often ask him?—He thinks one time only.

Did he tell him he knew nothing about it?—He did, the first time.

Did he ever say to Tom Finn, his mother was not there at all, or to any policeman?—He did.

Did he ever say to Tom Finn, his mother was at Luke Kerrigan's, of Bohawn?—He did.

Ask him, on the virtue of his oath, was she not at Luke Kerrigan's, of Bohawn, when that happened?—She was not.

Ask him was she at Luke Kerrigan's of Bohawn any time about the time of the murder?—She was not.

Then ask him why did he say she was at Luke Kerrigan's of Bohawn—who told him to say so?—No one told him.

Ask him was there a sick child at Luke Kerrigan's of Bohawn about the time of the murder?—There was.

Did his mother go to see the sick child?—She did not. Interpreter.—It is not the day exactly of the murder or about the day.

Mr. *Adams*.—The very day of the murder?—There was a child in them days in Luke Kerrigan's house.

But did his mother go to see the child any time about the time of the murder?—She did not—she was at the house when the men (the Huddys) were murdered.

She was at what house?—At her own.

A *Juror* (Mr. T. W. Russell).—Ask him if anyone told him after the murders had been committed that he was not to give any information?—He was not, he says; didn't his own people know it as well as himself.

The *Solicitor-General*.—Ask him did he, the day he was examined in Galway, had his father and mother and brother been examined first?—They were examined before the witness.

Ask him was he examined shortly?—Shortly.

And did he speak in Irish?—Yes.

Mr. Justice O'BRIEN.—Ask him didn't he tell us on the last trial himself (the boy) that his mother cleared away the blood on that day?—He did.

And wasn't that so, ask him?—That's so, my lord.

Mr. Justice O'BRIEN.—He was the only and first person that mentioned it.

Mr. *Adams*.—Would your lordship allow me to recall this boy's mother, and I would just as soon that he would not go see the mother?

Mr. Justice O'BRIEN.—Certainly, keep him there.

Bridget Kerrigan, an Irish-speaking witness, recalled, and cross-examined, through Interpreter, by Mr. *Adams*.

Ask her does she know Pat Kerrigan, *alias* Pat Comar, who lives in the Square, in Galway?—She does.

Ask her was she in this man's house upon the day that some Cloughbrack people were discharged from Galway jail, some day in September?—She was.

Ask her did she say that day that she was not in her own house at all, the day the Huddys were murdered, but that she was at Luke Kerrigan's, of Bohawn?—No more than them men there (pointing to counsel for the Crown).

Ask her did she say anything about being at Luke Kerrigan's, of Bohawn?—She says she did not that night, no more than a person in the grave.

That night, ask her did she say that night, or any night or day?—She did not.

Ask her did she ever say it to the police, or to any policeman?—She did not, how could she say it, wasn't she looking at these men committing this murder, and doesn't she know it herself.

Ask her does she know Mr. William Burke, the agent to Lord Ardilaun?—She does.

Was she talking about the murder?—Nothing, except that she was talking that her husband was taken in the wrong.

Ask her did she say to him that she was at Luke Kerrigan's of Bohawn the day the murder was committed?—No, there is a woman outside here who came and found her cleaning the blood; if she says she wasn't there let her come in and make her a liar.

Mr. *Murphy*.—Who is the woman?—Tom Mannion's wife. She says also, my lord, to bring in Pat Macken and Tom Macken, and if they don't say they saw her cleaning the blood she will leave it so, and if Pat Higgins (Sarah) says it let him be a liar.

Mr. *Adams*.—Ask her had Luke Kerrigan a sick child about this time, the time of the murder?—She doesn't say; she cannot say whether or not, but let those three be brought in if they deny that they saw her cleaning the blood that day, let her be a liar.

Ask her, as a matter of fact, does she know whether Luke Kerrigan, of Bohawn, had a sick child about that time?—She says she don't.

Mr. Justice O'BRIEN.—If she told Mr. Burke, her master's agent, or this man Comar, in Galway, or anybody—supposing she told any of these persons that she was not in the house on the day of the murder, would that be true?—Sure she don't say she wasn't there at the time.

But supposing she did, would it be true?—It would not be true.

Ask her this question, does she remember the police coming and asking her little boy any question about this murder? Was she there at the time?—She doesn't know, so many came.

Does she remember the policeman, Thomas Finn, or any other policeman, asking her boy any questions, or coming to her house asking any questions?—She doesn't know, she has often been from the house, and the police used to come in her absence, and she doesn't know what questions at all they put.

At all events, so far as she knows, until her husband came out of jail, nobody gave the police any information?—She has no knowledge that they heard anything except what her husband told in the jail.

Mr. *Adams*.—Ask her did the police or any policeman ask her any questions about the murder, when her husband was in the jail?—They often asked her questions about it—often asked her about the murder.

And what did she say to them in answer to the questions?—She never let it out herself or the children, until her husband and the whole of them told it together—she was expecting her husband would be let out.

A *Juror* (Mr. T. W. Russell).—Ask her did she ever tell her son, Martin, not to give any information to the police?—She doesn't know whether she did or not, it's so long ago, and so many people were passing, and everything else like that.

Mr. *Adams*.—Ask her directly did she tell the police that she knew anything about it while her husband was in jail?—They were always denying it from the police, until they let it out altogether.

Did she say to the police that she was away from home that day?—She did not; she isn't sure whether she did or not.

And is she sure whether she said she was in Luke Kerrigan's or not?—There was so much going on she didn't know what she was saying.

Mr. Justice O'BRIEN.—Now tell her to mind what I am saying, and to tell me the truth. Ask her didn't she tell her son, Martin, and the other boys, anything about what they saw—let her tell the truth mind, not to tell the police what they saw that day?—She did tell them to leave it as it was until they would see further.

Did she say to the police at any time that she was at Luke Kerrigan's at Bohawn on the day that the murder was committed?—She did not.

John Halloran, an English-speaking witness, sworn, and examined by Mr. MURPHY, Q.C.

Halloran, you live at Cloughbrack?—Yes, sir.

You are somewhat higher up than Kerrigan's house?—Yes, sir.

Can you see Kerrigan's house from your own house?—No.

Do you recollect the day the Huddys were killed?—Yes, sir.

Do you recollect hearing the shots?—Yes.

What were you and your son doing when you so heard the shots?—Taking oats from the garden into the barn.

Did you go into the barn with the oats after you heard the shots?—Yes.

Did you both come out of the barn together?—Yes. I was before the son.

Did you come to a place from which you had a view of the Kerrigans?—I went to the other corner of the garden.

You were able to see down from the boreen there?—Yes, sir.

How many men did you see down near Kerrigans house?—I could not tell whether it was three, about three. I think it was three.

Or it might be four?—I think not, sir.

Do you recollect swearing to this before making an information at one time?—Yes, sir.

Did you then say that you saw about three or four men there?—Yes, I did.

It was about three or four men you saw then you said, and was there one of them you knew?—Long Higgins was at his own side of the barn.

You know this (pointing to model)—recollect you saw it before?—Yes, sir.

And you see where the little bush is?—Yes.

Was it near that he was?—He was some distance from the little bush at his own side.

On his own side of the bush?—Yes.

Do you know where this wall runs up, separating Kerrigan's from Higgins?—Yes, sir.

And is not there a wall like it at the opposite side here?—He was at the butt of his own land.

Was that at the butt of it that came next to Kerrigan's?—Yes, he was a little distance at his own side of the garden. He was standing with his back to the wall, and his hands down.

Looking on at the shots?—I don't know.

Did you take a long look at him?—Ah, no—one look.

Just stand up and show us what way his hands were. (Witness stood up and allowed both his hands to drop down by his sides).

And his back was to the wall?—Yes,

And where were the other two men?—They were down, facing down towards Kerrigan's street. I only saw the backs of their heads. Their backs were to me and so I could not see them.

And so you could not see them of course?—Yes.

And you only saw their poles and their shoulders?—I saw the upper part of their bodies.

Had they hats on them?—They had, sir.

Three or four of them?—I am sure of three, but not of four of them.

Were you sure of three besides Higgins, or, were there three besides Higgins?—Higgins was not near them at all.

But there were three?—I think there were.

And Higgins was standing up here (pointing to the model)?—He was standing near his own land, and his hands down.

Had the others their hands up or down?—I didn't see their hands at all.

And you didn't go a bit near to see what caused the shots? No, I did not; I turned back; I never thought of anything about bad work.

You never thought it was bad work?—I never did; when I heard the shots I thought they were in Mount Gable; I often heard shots in Mount Gable.

When you heard the shots, was it not down there you looked?—[pointing towards Kerrigan's]?—No; I looked everywhere as well as that.

You looked up?—Yes; I looked everywhere when I first heard the shots. I thought they were in Mount Gable, for I often heard shots in Mount Gable.

Cross-examined by Mr. TEELING.

You gave one long look across the wall?—Yes.

And you saw Pat Higgins there, at his own land?—Yes.

And the other men you saw down the boreen?—Yes.

And you only saw their backs?—Yes.

And you could not tell who they were?—No; I could not say who the men on the boreen were at all.

Mount Gable—that is a rookery?—

Mr. Justice O'BRIEN.—What is the meaning of that? Do you mean that men go shooting in a rookery with revolvers in January?

Mr. Teeling.—My, lord, it is a question for the jury.

Mr. Justice O'BRIEN.—What is the question for the jury?—Do you mean to say that when you ask him whether there is a rookery at Mount Gable, that that is a question for the jury—what do you mean by that?

Mr. Teeling.—What I mean by that is this—he says when he heard

the shots, he thought they were in Mount Gable ; that is, that they were shots which he was in the habit of hearing fired by sportsmen.

Mr. *Murphy*.—How far is Mount Gable off?—Near a mile.

Is it half a mile?—About half a mile.

Not a mile?—Not a mile.

A *Juror*.—And you have no information of who the other men were?—No, I have not.

Did you know at all who the other men were?—No.

You could not look at their faces?—No. I only gave one look, and went back to my own garden again.

John Halloran, an Irish-speaking witness, examined, through an Interpreter, by the SOLICITOR-GENERAL, M.P.

Ask him is he the son of John Halloran?—He is.

Ask him was he at home the morning the Huddys were murdered?—He was.

Does he recollect hearing the shots?—He remembers he heard a shot.

Was he with his father at the time?—He was.

What did he do?—They were carrying in oats and threshing out in the barn, and he heard, as he said, a shot.

Was he carrying oats at the time?—He was.

Did he go on with his bundle?—He brought it into the barn.

Did he put it into the barn?—He did.

What did he do next?—He went to another corner of the garden, with a view of Kerrigan's house.

Did he go with his father?—He did.

Did he look over to Kerrigan's?—He was in view of Kerrigan's.

Did he see men on the breen?—He saw three or four men on the breen.

Did he know any one of them?—He did not.

Does he know Patsy Higgins (Long)?—He does.

Ask him again when he looked over the garden wall, did he know any man that he saw there?—No, except Patsy Higgins, that he saw between Higgins's house and his own on the breen, and his back to the wall.

And his back to the wall?—Yes.

Had he his back towards him?—He was looking down towards the new road, and his side was towards the witness.

Did he know the other men that he saw?—He did not.

Had they their back towards him?—They had, and he did not know them.

Was the prisoner, Tom Higgins, there?—He does not know, and did not see him.

Might he have been there?—He could be there unknown to him, but he did not see him.

Did he see the faces of the men that he saw on the road at all?—Their backs were to him, and they were down on the fall of the road.

Is that the reason he did not know them?—Yes.

Cross-examined by Mr. ADAMS.

Ask him does he know Tom Higgins (Tom) well?—He knows him well ; he is a neighbour of his.

Does his father know him?—He does, well.

Patrick Mannion, an Irish-speaking witness, examined through an Interpreter, by Mr. MURPHY, Q.C.

Does he remember the day that the Huddys were killed?—He remembers the day ; he was coming out of Corbett's, and he met them on the road.

Was it after his breakfast that he went over to Corbett's?—He had his breakfast eaten.

Does Corbett live at the other side of the breen from where he lives?—Yes, he lives below it—not far asunder.

Mr. *Murphy*.—There are two portions that fork, and he lives at the western side of one, and Corbett at the western side of the other.

Mr. Justice O'BRIEN.—Is he nearer the lake than Corbett—

Interpreter.—The witness is nearer the lake, as his is the lowest house.

Mr. *Murphy*.—When he was coming out of Corbett's house, who were the persons that he met on the breen—Tom Higgins, Kerrigan's son, and Patt (Sarah).

Is that the Tom Higgins he saw there (pointing to the prisoner)?—Yes.

Mr. *Murphy*.—Now let Patt Higgins (Sarah) be brought forward.

[Pat Higgins (Sarah) was then brought forward in the dock.]

Was there anything on young Kerrigan's back?—The bag was on it.

Is that man there Pat Higgins (Sarah)?—That is Pat Higgins (Sarah).

[This man, Patt Higgins (Sarah), was then removed from the dock.]

Mr. *Murphy*.—When he came out on the boreen, ask him was there anything done to himself?—When he was coming out on the boreen they were coming towards him through the village.

Were they coming down from Kerrigan's house—is that the direction?—Coming from Kerrigan's.

What was done to himself?—Thomas Higgins caught him and told him to come out here.

Ask him to show how he caught him?—He took him by the collar like that (showing the way and said "walk out here." Witness said he would not, and Higgins replied that he should.

What did he do with him—did he pull him any more then?—He pulled him out like that, and he had to walk with him.

What did he say he wanted him to do or say he should do?—Thomas Higgins took the bag off Kerrigan's back and put it on the witness's.

Ask him how he got on then with it—was he able to carry it?—Badly able to carry it. When he hoisted the bag on him he told him to walk out, and witness replied that he was not able.

Ask him what did Tom Higgins do then—did he assist him?—He was always telling him to walk out, and he walked down a little bit of the boreen.

Was anyone else putting a hand to the bag while he was going on that way?—When a little below his own boreen, and when the bag was slipping off his back, Thomas Higgins went and hoisted the bag again on his back, and he slipped down on his knee. The prisoner and Pat [Sarah] then took off the bag themselves, and he turned away here.

And where did Kerrigan go?—When witness turned to his own house, Kerrigan turned on his feet to his own home.

When witness turned was that on the boreen to his own house?—Below the cross roads he turned up to his own house, and he had no knowledge of the transaction afterwards.

Did Pat Higgins (Sarah) and the prisoner go on together then?—He said so.

Cross-examined by Mr. TEELING.

Ask him did he know the Huddys were coming to Cloughbrack that day?—He did not; he had no knowledge of it.

Ask him did he know anything about them being killed?—No, he had no knowledge of it—he was twenty miles off.

Ask him did he know what was contained in the bag when he took it on his shoulder?—He did not know what it was until it was hoisted on his back, and then he saw the shoes out, and then it struck him there was something wrong.

Ask him up to then—until the hoisting of the bag on his back, did it strike him there was anything wrong?—From the time he left the house until where he brought the bag, it was not more than the length of the table.

And was it when he put it on his back that he saw the shoes?—When it was put on his back.

Up to that time he did not know what was in the bag?—He did not.

Ask him was he ever asked any questions by the police before the Kerrigans being let out of jail?—They came into his house inquiring about those people when they were searching for them—inquiring for those that were murdered.

Did the police ask him did he know anything about it?—They were making inquiries, of course.

What did he say?—He told them he had no information to give them.

Did he say he knew nothing at all about the business?—He did.

Ask him did he know the Kerrigans well?—He does know them.

Ask him was he talking to the Kerrigans before he made this information in Galway about the business?—He was not.

Not a word?—He was not at home the day this thing occurred. He was in jail—Kerrigan was.

Ask him was he talking to any of the Kerrigan family about it before he made the information in Galway?—No, except to speak to them when meeting them on the road.

Not a word?—Not a word.

Nor the Kerrigans to him?—No. He had no knowledge of the business at all.

Ask him when he saw the feet sticking out of the bag, did he know it was young Huddy was in it?—He knew it was a person that was in it—that was why he was frightened.

Did he know it was young Huddy was in it?—No.

Did he know it was one of the Huddys?—He did not.

Did he ask who it was?—He did not—little trouble it gave him.

Ask him did it ever happen to him before to have a bag put on his back, and have a corpse's feet sticking from the end of it?—Not since the day he was born.

Ask him how far did he say it was from Corbett's to the place where they met him?—He only came up from Corbett's house, and went to the back of it.

Who was in Corbett's house?—Only an old man, who was confined to his bed for a year, except to get up from his bed to the fire—that is all he has done.

No one else?—No one else in it.

Ask him this question. On the virtue of his oath, was there anyone on the boreen when he got the bag, except young Matt Kerrigan?—On his oath there was only these three—Matthias Kerrigan, Thomas Higgins, and Pat (Sarah), and no one that ever was born more or less than these three.

Mr. *Murphy*.—About how far did he carry it—looking at the court-house?—About the distance from behind your lordship to the far wall he carried it altogether.

A *Juror*.—Did he see the body of the elder Huddy carried down?

Mr. *Murphy*.—No, he did not; they had gone on before.

Interpreter.—He saw nothing, except what he is telling you.

A *Juror*.—After the bag was taken off his back, and he turned to go home, was young Kerrigan in sight?

Mr. Justice O'BRIEN.—He has given the answer very distinctly already.

Interpreter.—He turned on his foot to go to his own door—Kerrigan did—and witness went to his own home by the boreen.

A *Juror* (Mr. Sloane).—He never had any conversation with young Kerrigan about the extraordinary fact of carrying the sack?—They had no conversation with one another about it.

Mr. Justice O'BRIEN.—From the time when the sack was taken off his back, and put on Pat (Sarah), what distance was there until he turned away into his own boreen?—The distance from that to his own house is very short.

Corbett's house is near Kerrigan's house?—Yes, my lord.

The fact is this—that the total distance he carried, from the place where the body was after he came out of Corbett's, was about the width of this courthouse across. The witness's own house, own boreen, is about equi-distant from Corbett's, on the other side, and from the point he carried the bag on the other. That was the only time he was in the company of Kerrigan.

Mr. *Murphy*.—Was Kerrigan, when he last saw him, going to his own house?—Yes, he turned off to his own, and witness went to his own.

Thomas Mannion sworn, and examined by the SOLICITOR-GENERAL
[Interpreted].

Ask him is he a son of Patrick Mannion's?—He is.

Does he recollect the morning of the day the Huddys were murdered?—He does not, but he remembers the day the police went down to search for them.

In the morning before that, was he on the boreen?—He was.

About what time of the morning was it?—When they got up after putting on the potatoes, and they had the potatoes; and he went with the pig.

Was that before his father came back from Corbett's?—The witness went out before the father.

Now, did he see anyone on the boreen?—He saw Michael Flynn there.

Whereabouts?—Between James Corbett's and Pat Macken's.

[Put Michael Flynn in the dock.]

Ask him does he know Michael Flynn?—He does.

[Michael Flynn placed in the dock.]

Look there, is that him?—That is him.

And did he see him ploughing that day?—He did.

Did Flynn speak to him?—He did.

He is not to say what he told; but after Flynn spoke to him, what did he do?—He went home.

Off on the boreen?—Off on the boreen.

Did he see where Flynn went to?—He does not know where.

Cross-examined by Mr. TEELING.

Was it after breakfast this occurred?—He said it was; he said he had his breakfast done.

The *Solicitor-General*.—Was it before his father went down to Corbett's?—It was after he came in that the father went out.

William Henry Ellis, sworn, and examined by Mr. MURPHY, Q.C.

You are one of the crew of the cutter of the ship *Valorous*?—Yes, sir.

Do you recollect searching for these bodies in Lough Mask?—Yes, sir.

I believe Friday, the 27th January, was the day?—Yes, sir.

Near what place, do you recollect, or about what part of it?—Near Wood Island.

About how deep was the water there?—About twenty-four feet.

Were the two bodies close together?—No, sir, a distance of ten or twelve yards apart.

How was the body of the elder man kept down in the water?—He had a stone attached to his legs—a heavy stone,

I believe we have it here. How was the younger man kept down?—He was in the sack.

Was there a stone in the sack?—Yes.

Was there on the body of the old man an overcoat?—Yes.

A large overcoat?—Yes.

Which stone was that (large stone produced)?—That was tied to the old man.

What is its weight?—Ninety-four pounds.

What weight is the other?—I don't know.

I suppose it is about twenty-four pounds—how was the stone secured, was it by a rope?—Yes, there was a rope round the old man's legs, and secured round the stone.

Well knotted on it?—Yes.

You, of course, did not see the bodies searched, or the papers taken out?—No.

Did you see the body taken out of the sack while you were there?—No.

Constable TERENCE DOWD, sworn, and examined by the SOLICITOR-GENERAL.

You are a constable?—I am.

Did you receive the bodies of these two men at Wood Island?—I did, from the *Valorous*.

And were they taken in charge to Clonbur to the inquest?—They were.

Was there an overcoat on the old man?—It was not on at the time.

Do you mean that you got it?—Yes, when I got the bodies.

Were there any papers or documents on the body?—There were.

Are these the ones—you have seen them before (documents produced)?—Yes, they are.

Three original documents and three copies?—Yes.

Where were they found?—In the coat pocket of the old man.

In the side pocket?—Yes; in the side pocket.

Were they all in the one pocket?—Some in each of the pockets.

Were they wet?—Yes; and I had some difficulty in sorting them out.

Were these the only documents found?—Yes.

Cross-examined by Mr. TEELING.

You are still, of course, at Clonbur?

I suppose you have been stationed there since the murder?—I was not there at the time of the murder.

How soon after it?—I went down on the 20th January.

At all events you have been there continuously since the 20th January?—Yes.

And I suppose you have been engaged trying to discover who were the perpetrators of the crime?—Yes.

Were you living in the hut there?—No.

Did you visit the house of the Kerrigans, with the view of finding out anything—I mean when Kerrigan was in jail?—Never.

You were never in his house?—Never.

Did you speak to the sons, or interrogate any of the family?—Never. I could not do that—they speak Irish, I do not.

Does Finn speak Irish—your comrade?—Yes, he does.

So you would not be much out?—

The *Solicitor-General*.—Is it your experience that the police got much help that time when enquiring about the murder?—None whatever.

Mr. Teeling.—At all events they got none from the Kerrigans?—None whatever.

Doctor *John Hegarty* sworn, and examined by the SOLICITOR-GENERAL.

Tell the jury what wounds you found on the body of the old man, Joe Huddy—where was it you made the examination?—In the court-house at Clonbur.

What marks did you find on the body?—I found five bullet wounds on the body—four on the head, and one on the right shoulder.

Describe the positions on the head?—One in front of the forehead, which penetrated and lodged in the brain, one behind, which also lodged in the brain, and one on each side, which glanced off the head, and did not enter—just above the ear.

Neither of them entered?—One fractured the bone, but did not penetrate.

The bullet glanced off?—Yes.

And where was the fifth?—It was received in the right shoulder.

Did you extract any of the bullets that had penetrated?—Yes, I took out both.

Did the one in the shoulder remain in the body?—It did.

Did you extract it?—I did not.

Of course the others were perfectly sufficient to account for death?—Yes.

What sort of bullets were they?—Ordinary revolver bullets.

Did you examine the body of the boy?—Yes.

What wounds were on it?—Two bullet wounds on the head.

Did they penetrate?—They did,

Did you extract them?—Yes.

What class of bullets were they?—Revolver bullets.

So that on the two bodies there were five bullet wounds on one, and two on the other, making seven in all?—Yes.

Cross-examined by Mr. ADAMS.

Did you find any marks of violence on the body of the elder Huddy except these bullet marks?—I did not.

The *Solicitor-General*.—Did you detect any appearance on the back of the head or shoulder?—Yes, I found a black mark.

Would that be consistent with its having been sustained by a bruise?—It is extremely difficult to tell.

Had you any information at the time that would lead you to make any search or inquiry as to whether it was a blow or a bruise?—I had not.

Mr. *Adams*.—Did you attribute that mark to *post-mortem* lividness—to the system that sets in after death?—I did at the time. I did, but it would be extremely difficult to say.

The *Solicitor-General*.—What appearance of age was this old man?—Very old—over seventy years.

Would it be possible to knock down an old man with a stone or a blow from behind, at a very short distance, without leaving any mark, such as you could identify after death?—Yes, it would be possible.

A *Juror* (Mr. Russell).—Are you able to tell us what effect immersion in water for a considerable time would have upon a blow of a stone or fist?—It would depend on the season of the year.

Would it have any effect—are you able to give us an opinion about it?—I don't think it is possible to tell. It would depend very much on the temperature of the water.

Mr. Justice O'BRIEN.—Another question arises on the observation of Crown Counsel. Suppose a man had a bullet wound in his head, and another on the back of the head, would not the depletion of blood from the head have any effect on the contusion on the back of the head—would it not tend to diminish the swelling or lump on the back of the head?—The greater the amount of the hæmorrhage after death—if death took place immediately after the infliction of the bruise, the bruise would not be so well developed or so well marked.

Mr. *Adams*.—If the skin afterwards was broken it would not have any effect?—No.

Mr. Justice O'BRIEN.—Have you ever seen at all, in your experience, cold water and brown paper applied to a black eye?—I have seen cold water but not brown paper.

Constable *Matthew Rudden* sworn, and examined by Mr. MURPHY, Q.C.

Do you know the district around Cloughbrack?—Yes.

Do you know where a man named Hyland lived in this townland?—Yes, sir.

Was it up above Kerrigan's house, some distance, and between it and Luke Kynes'?—Yes.

And do you know where this man—

Mr. *Adams*.—Mr. Murphy, have we a deposition from this man?

Mr. *Murphy*.—No, you have not. I only want him with reference to one of these documents. (To witness) You know where the prisoner lives—Pat Higgins?—Yes.

How far is that away from Macken's cross—where that little boreen goes up?—Something about a mile.

The *Solicitor General*.—We have it proved to be 1,150 yards

Do you know where this Pat Comar (Mark) lives?—Yes, sir; he lives at the house where the Hylands live.

Mr. Justice O'BRIEN.—The Hylands live beyond in the direction of the Kynes—Is that so?

Mr. *Murphy*.—Yes, my lord; but further on some distance on the boreen, on the offside from the Kerrigan's?

Witness.—Yes, further on than Halloran's.

Further on than the house of John Halloran?—That is up some distance; further on still.

Further on still?—Yes.

And before you come to Kynes's?—Yes.

Mr. Justice O'BRIEN.—Where does Pat Comar (Mark) live?—He lives in the same place.

Near the Hylands?—In the same house as the Hylands.

Patrick Kyne, an Irish-speaking witness, sworn, and examined through the Interpreter, by Mr. MURPHY, Q.C.

Is he a tenant of Lord Ardilaun's?—He is.

In Upper Cloughbrack?—Yes.

Does he live with his brother Luke?—Yes, he does.

Did he know Joe Huddy?—He did.

Did Joe Huddy come to his house at all in January last?—He did not.

Did he serve any ejectment, or any paper?—No, sir, he did not.

Was he at home all the day on the 3rd of January?—He was.

Luke Kyne, an Irish-speaking witness, sworn, and examined, through the Interpreter, by the SOLICITOR-GENERAL, M.P.

Were you at home on the day the Huddy's were killed?—Yes.

With his brother Pat?—Yes.

Was he at home on that day?—Yes, all the whole day.

Was Joe Huddy over at his house that day?—He was not.

Did he serve any papers or processes?—He did not.

The *Solicitor-General*.—We may have, my lord, to ask Mr. Brady a question or two in the morning, as he is not here this evening, and subject to that we close.

The Court then adjourned until next morning at 11 o'clock.

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THE DUBLIN DECEMBER COMMISSION.

15TH DECEMBER, 1882.

County of Galway.

THE LOUGH MASK MURDERS.

THE QUEEN *v.* THOMAS HIGGINS (Tom).

The Hon. Mr. Justice O'BRIEN sat in the Court House, Green-street, at eleven o'clock, and resumed the trial of Thomas Higgins (Tom), charged with the wilful murder of Joseph Huddy, at Cloghbrack, County of Galway, on the 3rd of January, 1882.

The Hon. the *Solicitor-General* (A. M. Porter, Esq., Q.C., M.P.), *James Murphy*, Esq., Q.C., and *Peter O'Brien*, Esq., Q.C. (instructed by *George Bolton*, Esq., Crown Solicitor), attended to conduct the prosecution; and

Charles H. Teeling, Esq., and *Richard Adams*, Esq. (instructed by *Patrick J. B. Daly*, Esq., of Ballinrobe), appeared for the accused.

The jury having answered to their names as follows:—John Fuller Boake (foreman), William R. F. Godley, James King, Thomas W. Russell, William F. Lennon, Frederick Maple, Isaac J. Smallman, Arthur Rotheram, Henry C. Bloxham, Robert Mason, William George Sloane, and Charles Uniacke Townshend,

Mr. *Andrew Newton Brady* sworn, and examined by the
SOLICITOR-GENERAL.

Mr. Brady, you are a Resident Magistrate?—I am.

Do you recollect Matthias Kerrigan being examined in the presence of the prisoner, Thomas Higgins, Tom?—I do.

Did Thomas Higgins, Tom, the prisoner, make any statement upon that occasion?—He did.

Did you take that statement down in writing, or was it taken down in your presence?—It was.

What statement did the prisoner make?

Mr. *Teeling*.—I beg your pardon, Mr. Brady, don't answer that yet, please. My lord, I respectfully submit that this is not evidence. I don't know what the statement is, but there is no evidence that before it was made, any caution, such as is required by the Act of Parliament and by usage, was given to this man—the prisoner.

Mr. Justice O'BRIEN, to witness.—Tell us the circumstances under which the statement was made, Mr. Brady?

Mr. *Teeling*.—Without telling what the statement was, you know.

Mr. Justice O'BRIEN.—Yes—the circumstances under which it was made; was Matthias Kerrigan examined in support of the charge?—He was.

Examined before you as a magistrate?—He was.

And made this deposition or information?—He did.

And what happened then, tell me?—Thomas Higgins, Tom, then stated the names of the persons——

Mr. *Teeling*.—Wait a moment now. You have just done the very thing you were told not to do, pending his lordship's ruling.

Mr. Justice O'BRIEN.—Was anything said to Thomas Higgins, Tom, before this statement was made by him?—No, I think there was nothing said to him in particular.

Mr. *Teeling*.—I submit confidently that, in the absence of caution, this statement cannot now be used against the prisoner at the bar.

Mr. Justice O'BRIEN.—Refer me to the Act of Parliament that requires it to be done. Remember this is a voluntary statement made by prisoner of his own accord.

Mr. *Teeling*, to witness.—Was this statement taken down in writing?—It was taken down on the depositions.

Mr. Justice O'BRIEN.—So you said already—taken down in writing on the face of the document you now hold in your hand.

Mr. *Teeling*.—My lord, when asked to refer you to the Act of Parliament, I can only say that I would have thought the matter was so clear—such universal custom—that it would only have been necessary to make the objection, and refer to what takes place in this court every day in sustainment of it.

Mr. Justice O'BRIEN.—Unless there is sound provision in the statute

to the contrary, I don't think that a prisoner need be cautioned against making any voluntary statement of his own. (To witness)—Was he asked to make any statement?—No.

Or anything at all—was there any invitation to him?—No, no inducement whatever.

How was it made—under what circumstances?—The information was made by Kerrigan, and then he, the prisoner, volunteered this statement of his own account.

Mr. *Teeling*.—Was he in custody at the time?—Yes; the depositions were taken in his presence in prison.

Mr. Justice O'BRIEN.—So I understand.

Mr. *Teeling*.—Your lordship is aware of this, that without the statute at all—although I am aware it is governed by statute also—but without the statute your lordship is aware of this, that where a man is in custody—

Mr. Justice O'BRIEN.—That makes no kind of difference whatever, Mr. *Teeling*. The rule is so certain and is so repeatedly acted on that there need not be any mistake about it. A prisoner may not be interrogated without the caution being administered; but he may make any statement whatever voluntarily, whether in custody or not. It is quite plain, unless there is something in the Petty Sessions Act to the effect that he must also be cautioned in the case of such a voluntary statement before it may be taken down in writing and used against him, that there is a great difference between the two things.

Mr. *Teeling*.—I most respectfully submit that where a man is in custody any statement made by him while in custody and before he receives the usual caution can, under no circumstances, be received in evidence.

Mr. Justice O'BRIEN.—There is no such rule, and the practice is to the contrary. You state that in the presence of myself and of my former learned colleagues, the counsel for the Crown in this court, and our experience is that the practice has been the very contrary.

Mr. *Murphy*.—It was expressly laid down by the late Lord Chief Justice Cockburn, that the caution was unnecessary, and he actually told a police constable, who stated that he had given a prisoner this caution, "you should have done no such thing, it was not necessary." And here—in this court, I don't know whether it was while your lordship was here, Chief Justice Morris, as the presiding judge, laid down the rule distinctly, as your lordship has laid it down.

Solicitor-General.—A voluntary statement is quite a different thing from interrogating a person in custody.

Mr. Justice O'BRIEN.—I have now before me the provision of the statute:—"When the examination of all the witnesses on the part of the prosecution shall have been completed, the Justice of the Peace or any of the Justices by or before whom such examination shall have been so completed, as aforesaid shall, without requiring the attendance of the witnesses, read or cause to be read to the accused, the depositions taken against him, and shall then caution him; and whatever the prisoner shall then say in answer thereto shall be taken down in writing and read over to him, and shall be signed by the said Justice or Justices."

Mr. *Teeling*.—Exactly so, my lord. I knew the statute applied to the very point.

Mr. Justice O'BRIEN.—This statement was given, and taken down in writing without the caution required by that provision, and therefore I rule that this is not admissible evidence.

The *Solicitor-General*.—I wish to ask Mr. Brady some questions—

Mr. Justice O'BRIEN.—You are at perfect liberty to do so, Mr. *Solicitor-General*, and perhaps I should have waited the result of your further examination before ruling the point against you.

Mr. *Teeling* (to witness).—Now you understand, Mr. Brady, that the prisoner's statement is not to be given in evidence.

The *Solicitor-General*.—Mr. Brady, was Mr. Daly, the attorney for the prisoner, present on the occasion?—Mr. Jennings, solicitor, represented Mr. Daly when the deposition was taken.

As Solicitor for the prisoner?—Yes, on behalf of the prisoners.

Was any inducement held out to the prisoner to make any statement, or was he requested to make any statement?—No; he was not.

Did he volunteer the statement?—Yes.

Mr. Justice O'BRIEN.—I apprehend that would make no difference Mr. *Solicitor*—"and the said charge having been read to the said C.D., and the witnesses for the prosecution severally examined, and the said C.D. having been first duly cautioned," &c. In this case the prisoner was not "duly cautioned."

The *Solicitor-General* (to witness).—Do you recollect the circumstances connected with the making of that statement?—I do.

Of course I don't ask you what the statement was, but will you just tell what occurred in reference to the statement?—When the deposition of Matthias Kerrigan was completed, it was read over in the presence of the three prisoners, and each prisoner was then individually asked, if he wished to cross-examine Matthias Kerrigan. When it came to

Thomas Higgins Tom's turn to be asked that question, he simply volunteered this statement.

Mr. Justice O'BRIEN.—That is not cross-examination. Any question that he asked in cross-examination would be clearly admissible, Mr. Solicitor, but not a statement made by him to the magistrate.

Mr. *Murphy*.—I most respectfully submit that it is not a statement produced or induced by the magistrate at all, and the Petty Sessions Act points to that, and only to that. The magistrate said to each prisoner, "Do you wish to cross-examine the witness?" And in reply to that he made the statement. Now, supposing he had said, "I don't want to cross-examine him, for in such and such he has told the truth, and in such and such he has told falsehood." Surely that would be admissible.

Mr. Justice O'Brien.—I apprehend not. You may remember that the distinction was drawn very closely in this Court, in the case of a man prosecuted for a robbery from Mr. Smyth's house. Here the prisoner interrupted Mr. Smyth, and said the hour was not so and so, but so and so; clearly showing that he was there and knew all about it, and he was convicted upon that statement. But that was a different matter; his statement was not taken down in writing, but made in Court. Here, it was taken down in writing by Mr. Brady under the Petty Sessions Act, the provisions of which I have read.

Mr. *Murphy*.—The writing does not matter. Suppose Mr. Brady had not taken it down in writing at all—but suppose he recollected all that the prisoner had stated, and that he merely held the deposition in his hand to refresh his memory, would he not be at perfect liberty then to say what the man said?

Mr. Justice O'BRIEN.—I would rather come to the contrary conclusion. The intention of the Act was to provide a record in writing of what the prisoner stated, in order to exclude mere verbal statements. Upon a question of this kind, and an issue of this momentous character, even if I entertained a doubt upon the matter—which I cannot say I do—I would consider myself bound still to rule the evidence in favour of the accused.

Mr. *Murphy*.—Of course, if your lordship has the least doubt upon the matter, it is better not to press it. But it was not being put in by the Solicitor-General under the statute at all.

Mr. Justice O'BRIEN.—What different efficacy would it have if under the statute?

The *Solicitor-General*.—In such a case the document proves itself, unless it could be affirmatively sworn that the magistrate or magistrates had not signed it—

Mr. Justice O'BRIEN.—And do you mean to say that the only object of the Act is to furnish a certain kind of evidence against the accused—to authenticate a statement made by the accused?

The *Solicitor-General*.—I think so, my lord, and not to afford him the protection of any statement, he might wish to make. There are no negative words in the section.—It provides, "And whatever the prisoner shall then say in answer thereto shall be then taken down in writing and read over to him, and shall be signed by the said justice or justices, and kept with the depositions of the witnesses, and shall be transmitted with them as hereinafter mentioned, and afterwards, upon the trial of the said accused person, the same may if necessary be given in evidence against him, without further proof thereof, unless it shall be proved that the justice or justices purporting to sign the same did not in fact sign the same."

Mr. Justice O'BRIEN.—It may be that the intention was to provide a particular mode of authentication, and to secure that surrounded with this protection of caution, and that where there was no such notification by the magistrate, the evidence might still be admissible; but I think it is safer on the whole not to admit this.

The *Solicitor-General*.—Very well—I will not press it, my lord, I want to ask a question, I omitted last evening, from Constable Dowd.

Mr. Justice O'BRIEN.—Certainly; have him recalled.

Constable Dowd, R.I.C., re-called, and examined by the SOLICITOR-GENERAL.

Did you see the sack in which the younger Huddy was found?—Yes, I did.

In what attitude was the man?—Head foremost.

A *Juror*.—Was there a stone in the sack?—In the sack with the boy—yes.

At the head or at the foot of it?—Well, the body was tied round the knees with the rope I produced yesterday, and it had to be cut open. When that was done the stone fell out, just from about half way down.

Another *Juror* (Mr. Russell).—That was the smallest of the two stones you produced yesterday?—Yes; the smallest of the stones.

Mr. *Teeling* then opened the defence. He said—May it please your lordship and gentlemen of the jury, it now becomes my duty to address to you some observations on behalf of the prisoner at the bar, and I am sure, gentlemen, that having regard to the fact that the issue you have to try is one of life or death, that you will pardon me if I solicit for these observations, however imperfect, and, possibly, however tedious, your most careful consideration. It would be affectation on my part to ignore the fact that, at all events, upon one branch of this inquiry a jury has already pronounced, and it would be equally affectation to ignore the fact that another jury before that did not find themselves in a position to come to the conclusion which the subsequent jury did. I am not at liberty to refer to either of these juries, or to the results of their deliberations more than to tell you this, which it is my duty to tell you under the correction of his lordship, that as regards the last jury which was able to come to a conclusion upon the one branch of the inquiry as affecting one of the persons alleged to be implicated—that by the finding of that jury you are not, upon any branch of the case, whether in respect of the very branch that they have determined themselves, bound in the slightest degree. Not merely, gentlemen, do I tell you, under the correction of his lordship, that you are not bound by the verdict given in the former case, but you are not at liberty to fall back upon that verdict, upon any part of this inquiry, for the purpose of finding in that verdict a reason why, as regards the portion of the inquiry which was here at issue to some extent, in that that jury was able to come to a conclusion different from that which it will be my duty now to ask you to come to. I will state the rule of law applicable to your duty in this case, with reference to this previous inquiry, by saying that you are to try this case—and this will illustrate my meaning for you—that in trying this case you are bound, not as a matter of favour to the prisoner, but as a matter of absolute right to the prisoner, to try it as if it was the first case that had been tried—as if, gentlemen, you were the first jury that had investigated this *Lough Mask Mystery*, and as if the prisoner at the bar was the first prisoner and not the second prisoner who had been put on trial for that offence; otherwise, gentlemen, if that was not so, to a large extent it would be unnecessary really to have a further trial. It may be very fairly said that although there was only one particular prisoner in that case on trial, yet that previous investigation involved determination on other branches of the case affecting the prisoner at the bar. The law is not so, however. You are not at liberty to fall back on that verdict, or find in it any support or sentiment for a verdict of conviction in this case—and, least of all, are you at liberty to fall back, especially on that verdict, if at the end of this case your mental condition be, as regards this second prisoner, a condition of doubt, and that is the very farthest point to which you will be able to go, in favour of the Crown in this case—namely if at the end of the case you are in a haze of doubt—a sea of doubt—that in that event you are not at liberty to seek refuge from these doubts—to seek a solution of these doubts and the determination of these doubts in the fact that a previous jury, to some extent it may be supposed, determined upon these doubts in a direction not culminating in indecision. Now, after these preliminary observations—absolutely essential in this case, I say because it is impossible to keep out of recollection that the case of the three prisoners that are to be tried are, from the circumstances of the case, largely mixed up with one another, and that the determination that may be had as regards one may not unreasonably, in a certain view of the case, lead to the same determination in the other—therefore it is my duty to tell you, and I think I will put it better in this way—that you are to suspend your faculty of memory altogether as regards the previous trial, and the immediately preceding trial. You are to suspend the faculty of memory altogether, so far as the evidence was given in the case, and keep that suspension absolute until you have returned your verdict in this case. Then you will be at liberty to resume that faculty. Now, having said so much, I will approach the consideration of the case, and at the threshold of the case, I think you will see that there is a very strong circumstance in his regard that differences his case—if I am at liberty to refer to it—from the case of the man *Patrick Higgins*, whose fate has already been decided upon, and that it lies in this, that whereas perhaps it might be said, and it was the Crown case, and therefore I am at liberty to refer to it—it might be said as regards the prisoner *Patrick Higgins* that he had a motive for the commission of the crime, because they asked you, and will ask you at the end of this case, to say that *Patrick Higgins* was served with an ejectment upon that 3rd January—that while that may make a motive with him, the motive which we know unfortunately is most recognised in this country as a justification, or what at all events—I won't say that was a justification, because it would be a misuse of language—at all events a motive to the commission of murder, namely

the service of an ejectment. The question of rent due to the landlord, the determination of the landlord to put that debt in force, even to the extent of dispossessing the man who owed it; that is the motive in the case of Patrick Higgins; but when you approach the case of the prisoner at the bar you find that motive truly and entirely absent. Bear that in mind. In fact you will find that, not merely that particular is true—that strong coercive motive as it has been, unfortunately, proved in the case of the tenantry of Ireland, is absolutely and entirely absent in the case of the prisoner at the bar. And not merely is that motive absent, as I shall show you in a moment, but, undoubtedly, there is an utter and entire absence of every other motive that could possibly be suggested why the prisoner at the bar should enter into a conspiracy or take any part whatever in the murder of these unfortunate Huddys. Now, you heard a long list of names read over to you of persons as to whom ejectment processes were given by Mr. Goode, representing Lord Ardilaun, to the bailiff, Huddy, for service. Now, I scanned that long list most carefully, and I may tell you—and I tell you under the correction of his lordship, who has an accurate note of the words, the note of the words by which we alone are bound in the case—that that list contains the names of the persons Huddy received ejectments to serve on, and it is an admitted and conceded fact that no ejectment was given to him for service on the prisoner at the bar. Not merely there is no ejectment given for service upon him, but so far as the evidence shows, there was not the slightest intimation from the rent office that an ejectment would be served upon him. How different that case is, gentlemen, from the case of Matthias Kerrigan, upon whose evidence it will be my duty to comment by and by. How different that case is from the case of Patrick Higgins, the Crown alleging that he was served with an ejectment; and in the case of Matthias Kerrigan, not merely was he served with ejectment, but he had previous notice given, for Mr. Burke said to his wife that an ejectment would be served upon him. While in the case of the prisoner not merely is no ejectment served on him, no ejectment given to the bailiff to serve on him, because if that had happened it would have been put in the fore front of the case, as constituting a motive for the commission of this offence—not merely is no ejectment given to him for service on him, but, in addition to that, not the slightest intimation was given by the rent office that Lord Ardilaun had any intention whatever of proceeding against Thomas Higgins, the prisoner at the bar. Now, gentlemen, don't let that be assumed by saying on the part of those who represent the Crown that it must be assumed in this case that Lord Ardilaun intended to proceed against every tenant on the property. You are at liberty to make no such assumption; and, as a matter of fact, that assumption would be contrary to what is true, because while you see there is a whole district there, all of which belongs to Lord Ardilaun, studded with a numerous population, the whole of the ejectments proved in this case number not more than thirteen or fourteen, and another, the object of which we did not get out, served some time previously by Lord Ardilaun. But if Lord Ardilaun intended to evict every man in the district who did not pay him his rent, it has not been proved, and you have no right to assume it; and, of course, I need scarcely tell you there is a difference between the cases of tenants. One tenant is preferred to another, as regards his name and better husbandry, and may not the circumstances exist that, while as regards one tenant the landlord could enforce his rights, he might, as regards another, keep these rights in abeyance. If that be so, how are you to be assisted apart for the evidence? You are met in this case, so far as finding a verdict of guilty is concerned, on the very threshold of it with the remarkable fact, that no motive has been proved to exist why the prisoner should have taken part in this frightful transaction. You will find, if you take into account that so far as the character of the man himself is concerned, that you have not had a particle—a shred of evidence—that there is anything in his life or in his antecedents which would have naturally led him to take part in this brutal murder. But you have, in addition to that, this fact—that while Patrick Higgins lives next door to Matthias Kerrigan; while the Mannion's, the Corbett's, the Macken's, and the other people with whose names you are now familiar from the evidence in the case, all live together in a cluster there in the little breen, where I ask you to believe the murder was hatched—the very nest where it was hatched—that cluster of houses, that it is not an unimportant fact in the case, that the prisoner does not live in the nest on that cluster, but lives, as you may remember I asked yesterday, considering it of importance, down there at the spot I indicate (on the map), removed from the nest of the hatching of this murder, some mile and a half away, separated altogether from it. You all remember that fact here, and it was a fact which the Crown did not bring out. That being so, let us see how the matter stands. I have referred to the absence of the proof of motive on the part of the prisoner at the bar for a reason I will now state. If, gentlemen, in the case of

the commission of any crime you have direct testimony that the man committed the crime, and if that direct testimony is of a character that you can rely upon—that is *prima facie* truthful, and uninfluenced by any motive to give it, fair and above board—if you have direct evidence of that kind, then the absence of motive for the commission of the crime does not push the case of the prisoner one bit forward in his favour. To illustrate what I mean, if any of you were going down Sackville-street at night—or in the daytime, and you saw before your eyes a murder committed, and you came forward and deposed to that fact, and that you, as of course you would be, accepted as a perfectly truthful witness, and having no sort of concern in the affair, and no interest or motive in the crime, and you came forward and gave that evidence—that you saw the murder committed, and had an opportunity of seeing it—in a case of that kind how absurd would it be for counsel for the prisoner to say, “Oh, gentlemen of the jury, the existence of any motive has not been proved against the prisoner at the bar.” It would be absurd and ridiculous because in that case; but in this case I think I will be able to show you that the evidence on the part of the Crown is not of the character I have described—that it is tainted evidence, that it is evidence open to the greatest possible suspicion—nay, that it is given by men who, *prima facie*, were as much mixed up in the commission of this murder as any of the persons in the community. It is because the direct evidence, implicating the prisoner at the bar, is not of the character I have described to you a moment ago—and I admit the absence of motive would be no argument in favour of the prisoner, but it is because it is of that character I do put before you, and I am entitled to do it fairly, as between the prisoner and the Crown—the strong—nay I would say the almost conclusive circumstance in his favour—that it is now established that he had no motive—certainly no such motive as would operate upon Matthias Kerrigan, or upon Patrick Higgins, or upon any of the persons against whom processes of ejectment were given to Huddy—that he had no sort of motive for the commission of this offence. Then, that being so, let us see what is the direct evidence against him, and what is the character of that evidence. Now, I think, I am right in saying that the direct evidence against the prisoner at the bar is the evidence of the Kerrigans—the whole family of the Kerrigans and Pat Mannion, senior. I wish to clear the case of all the evidence that does not really touch upon it, in order that I may apply myself to the argument which I intend to address to you on behalf of the prisoner. The other witnesses—outside the mere witnesses who proved the general features of the case—the finding of the bodies, and the ejectments, and so on—are only Patrick Mannion, junior, and the Hallorans. In fact, for the purposes of our investigation, we may regard solely the evidence of the Kerrigan family, the evidence of the Mannions, and the evidence of the Hallorans; but in order to clear the ground that we may get at once to the very point which I am anxious to bring under your notice, let us first see whether we cannot make a further deduction from that evidence as being not evidence that in the slightest degree complicates the prisoner at the bar. Now, from that evidence we may deduct, as far as he is concerned, the evidence of Patrick Mannion, junior, young Mannion, and the evidence of the Hallorans. Why do I say that with regard to young Mannion? I say it, because all that young Mannion says is this—it is his whole evidence in the case—that being out on the breen that morning he saw Michael Flynn. Now, you are not trying Michael Flynn, and we have a right to segregate him completely, and it is my case that there is as complete and utter a segregation of the case of the prisoner at the bar and the case of Michael Flynn as could be possibly conceived. That is all he proves—he proves that he saw Michael Flynn in the breen that morning, and he proves nothing against the prisoner at the bar. Now, with respect to the Hallorans, they prove nothing against the prisoner at the bar—either father or son. Their whole evidence is this—that hearing shots, and looking over the garden wall down in the direction of Kerrigan’s, and in the direction also of the house of Pat Higgins, they saw, as I have no doubt you will believe to be perfectly true now, they saw at the house of Matthias Kerrigan some men, and they cannot tell you their names or appearance, because they saw their backs were turned to them. That does not touch me in the slightest degree—that Patrick Higgins, the other prisoner, whose fate has been determined, was down there at the buttock of his own land—somewhere down thereabouts, but they saw him doing nothing at all in the transaction. Therefore, you see in that evidence of the Hallorans they do not mention the name of the prisoner at the bar, nor describe the prisoner at the bar. Mark that. They could not say it was even like the prisoner at the bar—they do not even go that length. Am I not right in saying that the evidence of the Hallorans is out of the case, and that the evidence of young Mannion does not touch the prisoner at the bar. Therefore the evidence you

have got to consider is the evidence of Pat Mannion, senior, and the evidence of the Kerrigan family. Let us see whether the evidence of Pat Mannion, senior, and the evidence of the Kerrigan's is that kind of evidence, which I supposed, for the purpose of my argument—one of you would be giving in a case, in proving the commission of murder against any particular person. Is it evidence, first of all, of persons who have no interest, or who had no interest—because that is the part of the case, at the time that evidence was given, in giving it. Is it, in other words, the evidence of tainted witnesses? Now, let us first deal with Mannion, who has been paraded here by the Crown, and described as that respectable man. Patrick Mannion—the learned leader for the Crown on this occasion went the length of saying was the unimpeached witness for the Crown. The learned leader was certainly mistaken if he thought that he had the concurrence of either myself or my learned friend in that description of Patrick Mannion. I will tell him in reply, that never was language more misapplied than in the description of Pat Mannion. It was unnecessary in the other case for the circumstances of it, Pat Mannion having proved anything, whatever against the other prisoner, to deal with his evidence at any length; but it is quite a mistake to suppose that we admitted at any stage of the proceedings that Pat Mannion was unimpeached, and was a decent witness. I think that was taking an over sanguine view of the situation. Who is Pat Mannion that he is entitled to be paraded here before you as a decent unimpeached witness? What is his own statement? First of all, we have him living in what I have described as the nest where this murder was hatched. We have him living there. Then he is living there, and I ask you to look at the position, just a little off the boreen or a little sub-boreen, leading up from the general boreen to his house. First of all, he lives in this nest; secondly, what did he do on this occasion? Where do we find him on this occasion? Forming part of this murderous transaction according to his own evidence. Why, we have this, that upon his own evidence he was upon that day of the murder in the very boreen where it was committed, and that he was at all events some distance down the boreen, be it long or short, one of the pall bearers of the coffin that contained the body of young Huddy. He has proved upon his own showing that upon that 3rd January he was at the scene of the murder; he has proved upon his own showing that he was there, and I'll presently ask you whether he was there innocently; but let us take the facts proved, first to see where they lead to. He is proved on his own showing to be in the boreen at the time of the murder. He is proved by his own evidence to have taken a most important part in this murder, because without this part the murder would not be complete in the sense of concealment. He is found carrying off, for at all events a portion of the way, the dead body of one of the victims. Let us see what right we have to assume in this case, that when he is found with this same Pat Mannion in the boreen on the 3rd January, or within six yards of the scene of the murder itself, and having actually participated in the funeral—let us see when he comes forward to tell us on his oath that he was there as an innocent person, whether you are at liberty to accept that statement, or, gentlemen, to adopt his evidence, to the conviction of the prisoner at the bar. Do not the circumstances *prima facie* point to this, that he was not there as an innocent person. Suppose, gentlemen, that any policeman had happened, at that important juncture, to walk down that boreen, and had found them there, and had intercepted that funeral, and had found with Pat Mannion the body of young Huddy on his back, and found him in the society of young Matt Kerrigan, and, as we say in that case, and rightly say, on the evidence, in the society of no other person, and that it was then proved, as it has been proved in this case, that the murder was committed at the house of Matthias Kerrigan, and that that blood which had fallen from the victims was wiped away with lightning speed by the mother of Matthias Kerrigan, and that when the police went up they found nothing upon the ground but the traces of the water, and the traces of the removal, I should like to know if Patrick Mannion as his counsel put forward the case, that he was there forsooth as a perfectly innocent coerced spectator or assister in the disposition of the body, would not such a defence be scouted and ridiculed out of court by counsel conducting the prosecution, and would they not be right in the use of ridicule as applicable to such a defence as that? In what respect does what I have just described to you differ from the actual case that is now before you? Let us see whether this defence of his—found in the possession of the dead body at the scene of the murder, and taking an important part absolutely in the concealment of that body by carrying it down portion of the boreen, that it was to be carried further on and deposited in its watery grave—let us see whether in this case we are to accept the excuse of Mr. Patrick Mannion, and see if he was there as a perfectly innocent person, coerced by pressure of circumstances over which he had no control, and to which he was unwillingly obliged to submit. What

time of day did it take place—it is an important element for you to consider in coming to a determination as to whether Patrick Mannion's excuse for himself on that occasion is a true one. These murders took place in the noonday—a period of time that, at all events, a man's courage is greater than in the dark of the evening, or at midnight. It takes place in the noonday. He is within, upon his own showing, reach, almost immediate reach, of the house he had just, according to his own evidence, come from, namely, the house of the Corbetts. In his evidence here he said the house of the Corbetts, and the place where he was stopped for the purpose of asking him to take this dead body, was only a few yards. I think he indicated the distance then, by showing that it was probably from this over to the wall of the courthouse. That is the distance that only separated him, according to his own evidence, from the house of the Corbetts, that house being another of those that went to make up the cluster or nest where I ask you to believe this murder was hatched. What was there to have prevented him—because he must be judged by his conduct on that occasion—from going back to that house? His only defence, mark you, for carrying that body one inch down the boreen was that he was under compulsion, that he was under terror from which he could not extricate himself. We find him within a few yards of the house from which he had only just before emerged. Would you not expect that if he was really a truthful, honest, unimplicated person in this transaction, he would have immediately sought refuge in the house from which he had just come, and after barring the doors, declined to take part in this atrocious transaction. He does nothing of the kind. Nor does he do either what he might have done if he did not wish to go back to the Corbetts. He does not take refuge in Corbetts. Then he might have turned and reached his own house, which was only separated from him by a few yards. There are two asylums—his own place and Corbett's house, his own friends—in which he might have taken refuge from this coercion. I say that even his own account of himself on the table showed a certain docility, a certain easy submission, at once yielding to the request to take the body of Huddy upon his back, and carry it for some distance down that boreen. Gentlemen, is that the conduct of an innocent man? I referred a moment ago to the fact that this transaction, and this request to assist in the transit of that body down to the end of the boreen, had occurred in the noon-day, and I did that for this reason, for in the noon-day men are more courageous—men are more fearless, and necessarily more fearless than in the mystery of the night. If this transaction had occurred at night, and he had said, "I was coming out of my friend's house, and true it is I was near my own house, but it was dark, and I saw two or three men upon the road, and could not say how many there were in the darkness of the night behind them to coerce me, and I was told that if I did not take up the body and assist in bringing it down to the boreen,"—if these had been the circumstances, you might have seen your way to excuse him for taking part in that ghastly funeral, as he says he did; but those are not the circumstances. He could have had no apprehension as to the exact number present—it was the broad daylight, and he could estimate the exact position in which he was, and his actual danger. And the daylight disclosed this fact, that the only persons there that could have exercised any coercion upon him, were a boy much younger than himself and, I venture to say, not as strong—for this Mannion, though described as a weak and feeble man, I doubt not if he was at a fair he could very well hold his own; but the noon day sun disclosed his position, and that position, bear it in mind, not that he was surrounded by half a dozen men, for mark, the evidence is that the others had gone on with the body of the elder Huddy down a boreen, towards a lake. The guilty knowledge compelling them to go with lightning speed, and the only person to coerce him was young Matthias Huddy, and, as he alleges, Tom Higgins, Tom, the prisoner at the bar, who, of course, gentlemen, according to our case, was not there at all, as I will tell you hereafter. There is the position. Take it now in the most favourable way for himself. Young Mannion is there within a few yards of Corbett's house—take it now only for argument that Tom Higgins, Tom, was there, does the presence of those two men afford any justification or proof of his allegation here, that at that moment, when he consented to have put upon his back that ghastly burden, that he was doing under the coercion of a fear, or of the force of circumstance so great that he had no option in the matter, and was simple as a child in their hands. Now, that is his case, and permit me to say, under the correction of his lordship, that if I have depicted a true account of what occurred on that occasion, Mr. Pat. Mannion may, as far as this case is concerned, be swept entirely out of the evidence. Of course, gentlemen, you understand that, when I am speaking here for the purpose of argument, I am only assuming the presence there of Thomas Higgins, Tom, and making him a factor on the occasion. For the purpose of argument, what is the case? I will rivet Mannion

to this spot, where he says he was forced to take upon his back this ghastly burden. Are there no other circumstances? He says he was coerced. Let us see, now, upon his own showing, in what that coercion consisted. Upon his own evidence, gentlemen, the coercion of Mannion consisted simply in this, that Thomas Higgins, Tom, according to him, said to him, "If you don't take this it will be the worse for you," or "you will be murdered," or something to that effect; but, gentlemen, he does not say that Thomas Higgins, Tom, gave proof to him in any way that he was exercising coercion against him by the production of a weapon. If a revolver had been produced that would have been a very strong element in the case, and that is the ordinary way to coerce a man, especially when the person coercing is possessed of such an arm; but there is no evidence here, no allegation, no hint, that a pistol was produced, held to this man's head to compel him to do what he did, by Thomas Higgins, Tom or any one else on that breen. Not merely does he not say that any pistol was presented to him, but he does not say that he even saw a pistol in the coat pocket of this man—a revolver peering out, and not merely does not say even that Thomas Higgins, Tom threatened to fire on him, if he did not do what he was bid, as alleged. Now are we to accept as gospel—and I hope you will pardon me if I repeat myself, for this is an important branch of the case—are we to accept as gospel, that a hale, hearty man, not out in a wild desert place where he could call for no assistance, but in the very centre of his own friends, within almost a bound of the house of a friend he had just parted from, and in the broad daylight, to indicate where the refuge lay, with no sort of fear or terror arising from the apprehension that he might have entertained if he were not certain that there were others behind. Thomas Higgins, Tom, who would come to his assistance, if any assistance had been offered—are we to take as gospel from him, in that state of things, that he acted under coercion? Are you satisfied as a matter of the most absolute moral certainty—for that you must have in order to act on his evidence—are you satisfied, under circumstances such as as those, to accept the statement of Patrick Mannion, that when he took up that ghastly burden upon his back he was under such moral trepidation and fear, and coercion, as removed any trace of guilt? If you don't find that you can do so, if your mental attitude is one of doubt even, that Patrick Mannion was, in fact, an innocent man, then I tell you, gentlemen, under the correction of his lordship, I am entitled to have the whole of the evidence of Patrick Mannion swept out of the case, and then it will become a question simply of considering the evidence of the Kerrigans. What excuse is there to be given by him here for not going into the house of the Corbets? What excuse is there to be given by him here that he did not cry out for any assistance—that he made no remonstrance? What excuse is there to be given for him if he did not like to go back to the house of his friend Corbett, and could not, at all events, have rushed off to his own house? But, gentlemen, there is a part of this case in reference to his conduct upon that day which seems to me to be a demonstration that Patrick Mannion was not there on that day as an honest person, and that was the account which he gave to my learned friend, Mr. Adams, as to what he did and what he said when he took the body of young Huddy upon his back. Take the account that he gave of it. It is this; and I venture to think a more extraordinary explanation was never given by a witness, who wanted a jury to believe that he was taking an innocent part in a transaction. Remember, first of all that when he said he was coerced, and that the body was put upon his back, he did not know what the sack contained. Now, if he did not know at the time the sack was put upon his back by Matthias Kerrigan what it contained, what necessity was there, upon his part, for this trepidation in which he says he found himself, or for the exercise of any coercion whatsoever. Do you believe him when he says—that when that sack was put upon his back he did not know what it contained? I don't care which way you take it. If he did know what it contained, then he has been guilty of wilful and deliberate perjury, and if he did not know, what was the necessity for his feelings? There could be no real coercion put upon him, and he is therefore taking an active part, and a very serious part in this transaction, namely, the disposal of the body. The real view of this case is very plain, in my opinion that there was a plan of campaign on that morning—that this murder was not the result of any sudden ebullition of feeling on that morning—that it was deliberately planned, and that whoever were there, were there after deliberate preparation. That is also the case for the Crown, and I think I am not wrong in including in that preparation, the means of escape for those committing the murder—all those precautions which were taken were there as a settled plan of campaign. Was his position this—Patrick Mannion, who is found conveniently down the breen some little distance, assisting in the disposal of the body—was his position this—that he had been placed there at a friendly position in this breen as the rear guard who was to watch for the approach of danger? The person who

was to keep the coast clear and, if he could not keep it clear, to come and give timely warning, which would enable the actual perpetrators to make their escape. I tell you again, under the direction of his lordship, that if that were his real position on that fatal morning, he was an actual participator in the murder itself in point of law; and, gentlemen, that he was, as a result of that, in very imminent peril of his neck. But take for him a more favourable view, take for him the view, if you like, that he had not been placed there with a guilty knowledge of what was to be transacted—take the case, if you like, that, seeing as he did, what had been done, in which, perhaps, having regard to the state of feeling in the cluster of houses there—it is not too much to say he may have anticipated—if his position was this, that, without coercion, he was assisting in the carrying away of these bodies, and so destroying the evidence which would have implicated his friends, then, gentlemen, he would have been, at the very least, what we call in the law, an accessory after the fact, and to that crime there is assigned by our law, penal servitude for life. Therefore, in whatever way Mr. Pat Mannion chuses to pose, whether as a person who was actually taking part in the preparations for this murder—in the sense of keeping the coast clear—a very necessary thing when this crime was to be committed in the broad daylight—at any moment the party may have been surprised in that boreen. God forbid I should say that that district has gone so low that not one single person was to be found who could pity the fate of poor Huddy, or who, if he had known it, would not have tried to avert it, or, whether, in the sense that he was an accessory after the fact—he was equally punishable—in the one instance forfeiting his life, in the other instance being liable to penal servitude for life. Was it necessary, gentlemen—excuse me if I dwell so much on this part of the case—was it necessary in the carrying out of this campaign of this preconcerted murder—was it a necessary part of the plan, that some person should guard the gate and keep the approach to that boreen clear. Mark you—it is a boreen up from the main road, and that district is thickly studded with inhabitants. Numbers of persons from that village of America, and from other places along the main road, might have found the necessity for going up that boreen, or, at all events, who would be in danger of going up that boreen for many purposes, and was it necessary for the purpose of this campaign that that boreen should be guarded, that there should be at intervals friendly persons along the line of march? You may be sure it was deemed to be a necessity so sure as that you are certain that this was planned and arranged; and that is the case, according to the theory of the Crown themselves, that from the scene of the murder, all along that boreen, down to the lake, the road was kept clear. And you can have no difficulty in believing—in fact when once you conclude that there was pre-arrangement at all—you must believe that that arrangement included the depositing the bodies of the victims in the waters of Lough Mask, and to reach the lake that boreen had to be traversed. But, gentlemen, in addition to that, let me ask you this—have you any person from the house of the Corbetts, within a few yards of where this transaction took place, to tell you what did take place that morning? Remember the Corbetts are the friends of Mannion, and if the Corbetts could come forward here and give any evidence in favour of Mannion, to show that there was a struggle outside, in the course of which he was caught hold of by the prisoner at the bar and coerced to take the body down the boreen, no more important evidence could be given in the case. It would be admissible evidence, because it would be evidence of what was actually seen of a portion of this transaction itself; and though the Corbetts are the friends of Mannion, no one is produced from the house of Corbett to tell you that, having seen this transaction, as somebody must have seen it, in the broad noon-day, when everybody would have been up; and no one is produced to tell you that they saw Patrick Mannion under the influence of any coercion whatsoever, or that a single member of that household was afraid of what was going on in that boreen. As I said before, all this was not going on in a wild waste, with nothing near but the wide horizon, and no one at hand but the two men that exercised the coercion upon him, but that it occurred in the immediate vicinity of the house of his friend, not one found from that house, and I need not remind you further that you have no one from that house to sustain his allegation, and no account given by himself why he did not take refuge in that house or in his own house, almost as near. But further, let me point your attention to this, that the coercion to which he alleges he was under, that of one man, Thomas Higgins, Tom, because the other laid the sack on his back, and this Mannion does not tell you that he saw any weapon with Thomas Higgins, Tom—so that it is reduced to this—coercion by the fists of one in opposition to himself, in the immediate vicinity of his friend's house. But then he gave this terrible evidence, and by it he must be bound, that, as he was carrying this sack under the coercion, I say, of nothing but the fists of one man, those fists not having been exercised upon him in the shape

of one single blow—bear that in mind—that there is no assertion that Tom Higgins, Tom, did ought to him, save take him by the button hole, and so you must add this—he tells you that, as he was carrying this sack under that coercion, he did not know what was in it at first; but that, as he got a little bit on, he saw the shoes and then the leg of the dead man appearing out of it, and that they did not excite in his mind any alarm, or terror, or curiosity to find out who he was, or to lay the burden down suddenly, and run off. On the contrary, he says he saw the feet and the legs of the dead boy, or of the body peering out from the sack, and he added in reply to my learned friend, Mr. Adams, “It is little trouble it gave me.” My God, was ever such language used by a man in reference to such an occasion—if there ever was such an occasion—coerced against his will if his story be true, to carry the body of a murdered man—he saw the evidence of that murder—a murdered man’s legs peering out of the bag—it might have been his own son, or one of his nearest or dearest friends—and yet he tells you that he had not even the curiosity to enquire into the matter—not that he was trembling for fear, but that he had not the curiosity to ask who it was at that stage of the transaction. “It is little trouble it gave me,” says he. There is Mr. Patt Mannion for you, and I now dismiss him with this observation, that if, after that comment on his evidence, you can see your way to believe his testimony, in God’s name do it, but in giving credence to evidence under such circumstances, you will form the first precedent of a jury who has done so. I am sure you will not. I am sure you will be satisfied there was no real coercion, but, as I said before, such action on his part, as leaves Mr. Patrick Mannion, putting it to the very furthest part in favour of the Crown, an accessory after the murder on that fatal morning. But, you have no right to put it even to the furthest point in favour of the Crown. Your duty is rather to see whether the circumstances deposed to are consistent with the innocence of the prisoner—are they consistent with his guilt? But, gentlemen, I say at the very outset, all that evidence can do in your minds is this, to leave the strongest possible doubt as to whether Patrick Mannion is telling the truth, and I tell you again, under the correction of his lordship, that once you reach that point in reference to his evidence, it cannot be used in this case. That being so, and we having dismissed the younger Mannion and the Hallorans with the observation that they don’t touch the prisoner at the bar, we have reached this part of our journey on, I will say, the acquittal of the prisoner at the bar, that till we come to see whether the case for the Crown having broken down with respect to Patrick Mannion, it can be patched up by the evidence of the Kerrigans. Now, gentlemen, we have Matthias Kerrigan and we have Mrs. Kerrigan—we have the two sons and the father, and if I dispose of their evidence my duty will be done. Who is Mr. Matthias Kerrigan, and had he, equally with his friend Mannion, upon that morning—who I ask you to believe was one of the rear guards of the campaign of the army of assassination upon that morning—had Mr. Matthias Kerrigan, apart now from what is proved in this case, that the murder is actually committed at his own door, that the sack which carries off the body of the younger Huddy is his sack, that it was his son who was one of the pall bearers of one of the victims; apart from these circumstances let us see whether Matthias Kerrigan had not present in his mind the existence of a motive which is recognized by the tenantry of Ireland as a sufficient motive for the commission of the murder of a bailiff? What are the facts with regard to Mr. Matthias Kerrigan—and if I dispose of him, I think I shall, subject to your sanction, have very little difficulty in disposing of the evidence of his wife and children, as having been given under circumstances, and under the influence of temptations which would make it impossible that a jury could act upon it—in the case of the wife, the love for husband, the desire to save him from the scaffold, for I will show you that that was the position of peril in which Matthias Kerrigan was when he gave the information used here by the Crown, and in the case of children an equal affection for, perhaps, a loved parent, although he may be a murderer, to save him from the same fate. What were the circumstances existing on that 3rd of January, 1882, with regard to Mr. Matthias Kerrigan? I said a moment ago that there was existing in his case the strongest motive that is recognised by the tenantry of Ireland, or by certain portions of them, for God forbid that I should include them all as a body as being in sympathy with the commission of murder or any other crime; but there was present in the mind of Matthias Kerrigan the most coercive motive that could be required by him—an impending ejection, a breaking up of his home, the dis-possession from his land, that little bit of land being the only thing in the world that formed the means of his support—would constitute a motive for murder. That motive was present in the mind of Matthias Kerrigan. He was, first of all, a tenant of Lord Ardilaun—secondly, he owed to that noble lord three years and a-half rent, and, it is perfectly manifest he had made up his mind, if he could, not to pay; and, thirdly,

he had been informed through his wife—this is now admitted—I am stating nothing to you that has not been established by the evidence of the Crown—he had been informed through his wife, by the agent of Lord Ardilaun, that he was about to bring an ejectment against him. Therefore, gentlemen, he expected the arrival of Huddy on that morning, and he knew this, that if Huddy succeeded in making good service of that ejectment upon that morning, that within fourteen or fifteen days from the service of it—the Sessions at Oughterard, where the matter was to be tried—would be held, and the county court judge must, on the 19th of January, have passed a decree which would dispossess him, and leave him with only the refuge of the workhouse before him, or declension to the position of a labourer—a fall in the social rank, which these people, I can assure you, think a great deal about, Was he served on the 3rd of January with the ejectment?—because, gentlemen, if he was served then, the position was completed—then the certainty of eviction would follow, because all that then had to be done when the case came before the county court judge, was to produce Huddy, who had served him, to prove that; or, if Huddy were dead, not from murder but from natural causes, to produce his endorsement on the writ, and then his fate was sealed, and there was nothing between him and the wide world but the mercy and consideration of Lord Ardilaun, and that that mercy, and that that consideration had been totally exhausted on the part of the noble lord is evident from the fact that for three years and a half he had not received a single farthing; that he had finally made up his mind; and, God knows, he ought to be at liberty to do so, after three and a half years, to enforce the payment of the rents; and that eventuality had been conveyed to the wife of Matthias Kerrigan. There, gentlemen, was the motive; and if the service was had, his fate, as I have said, was sealed. Was he served? Now, that Huddy had, upon that day, an ejectment for Matthias Kerrigan, is the case of the Crown; and it is my case also, that he had—my case only in the sense that I know it from what has been proved in this case, and on that table, and not in any other sense. Was he served with it? He swears to you positively, upon his oath, that he was not served with that ejectment. Gentlemen, if he was served that day, he is equal in the case with Mannion guilty of wilful and deliberate perjury in the most essential part of the case, and is, therefore, not entitled to credence on any other portion, unless that evidence be corroborated by independent testimony, and independent testimony there is none whatever. Was he served with that ejectment on the 3rd of January? He swears he was not. I call, gentlemen, Huddy from his watery grave in that lake to prove to you to demonstration that he was, and therefore, gentlemen, there was completed in his case all the elements that would ripen the original, that of murder and revenge, into action. He says he was not served, and I call Huddy from his grave to prove that he was. Why do I say that? I say that because, when Huddy was taken up from his grave, upon his body—the persons who were in the former case are familiar with these facts—the majority of you, gentlemen, are not, and therefore, though it may appear tedious to the gentlemen who have heard them before, I hope they will bear with me while I inform their colleagues of the matter—upon this body there was found an original process in ejectment for Matthias Kerrigan, with the larger stamp on it of 2s. 6d., the inference from which is, that the copy which would be brought with him that morning for the purpose of serving him, had not been found on his body, where the original was, as well as many other documents connected with the service of other ejectments on that morning—the only inference is that the service upon Kerrigan had been completed.

Now, gentlemen, for those who were not upon the former jury, let me tell you very shortly what that mode of service is. When a process server, or a person authorized by law, goes to serve a process of ejectment, he brings with him two documents they are both the same so far as the contents of the documents are concerned, but one bears—which is called the original—a two-and-sixpenny stamp, and the other, which is a copy, bears only a sixpenny stamp. The one which bears the two-and-sixpenny stamp is called the original, and should be brought by the bailiff after the services, and the one that bears only the sixpenny stamp is called the copy, and is the one that ought to be served. When service is had, the process server comes to the county court, produces the original, and says, I served a copy of that upon the man upon a certain day. Therefore you see, gentlemen, that when you find upon the body of the dead man the original unaccompanied by the copy, it is clear *prima facie* evidence until it is rebutted by something tremendous the other way. But the service was, in point of fact, bad, of that copy upon the person for whom it was intended. Was Huddy, on that morning, at the house of Matthias Kerrigan? He was. His own case is that the murder took place at his own door, and it is the murder of Huddy; and the only way that the document could be defeated would be if the service was had was to destroy the person who served it. It is admitted, therefore, that he was at his own door. It is the case for the

Crown that he had the original and the copy in his pocket ; it is the case for the Crown that he was murdered, and murdered at Matthias Kerrigan's door, or at all events within a few yards of his house. He is taken to the lake. Again, his body is found ; the original which ought to be there after service was effected, but there is not found a copy which ought not to be there if the service was effected, and which, gentlemen, ought to be there if service was not effected. That document has been produced in court. The original is here in court, taken from the body of Joe Huddy. Well, then, if that was served upon him, and if you have him at the very spot ; if you have him murdered there, as is the common case here, in God's name what do the probabilities and the circumstances lead to—in the presence of full, ample, and most concise motive, according to the misguided views of some portion of the tenantry—in the name of God, what do the probabilities or the circumstances point to, but that the murder was committed by the man upon whom that process of ejectment had been served. Well, gentlemen, what follows upon that ? The blood comes from the murdered man, it falls right opposite the door of Matthias Kerrigan, who I say had been a few moments before that legally and properly served. If, gentlemen, somebody else committed the murder ; if it was not committed by Matthias Kerrigan, or by any one at his instance or request, what would the common prudence of the persons of that house demand, but that they would not have touched the position in which things were, but would have left them as they were innocent, have called in the authorities, say what had occurred, and disclose the actual and true state of things ; but, gentlemen, the man having been served, the murder having taken place, the blood having fallen from the victim upon the street or breen, a course is taken which, I say, is more consistent with guilt upon the part of the inhabitants of that house than innocence, namely, the destruction, with lightning speed, of the evidence that that murder had been committed at that place, namely, the removal, by the wife of Matthias Kerrigan, of the blood-stains, which would have afforded proof of where and how the murder had been committed. But does the matter rest there as regards Matthias Kerrigan ? First, he is served, then he murders the man, then his family remove the traces of that murder, and, with lightning speed, the traces of his guilt. And then what does he and his family, and others, if you wish to put it so, that he might have brought, in pursuance of the theory he sets forth of the ghastly deed ? Why, gentlemen, to show you he felt the guilt was theirs, as we put it to you, the man had the blood stains removed, and immediately becomes the pall bearer, as I said, of the coffin of one of the murdered victims. And his friend—or at all events the other person, whoever he may be, takes away, according to my theory, the other body, with himself or his son, and when they were tired, they had the funeral taken up by another, at a place further down, to be assisted at the point of protection, the house of the Corbets by their friend Pat Maunion, who relieved them of their burden there, and bore it as a sort of diabolical position of honour. In this ghastly funeral he bore it on for a short distance further. What was the coffin, and whose was the coffin in which the man was borne in the breen ? You have it established from his own evidence that it was brought down in a sack, and that sack was Matthias Kerrigan's. He has denied that the creel was his—he has denied that it was his creel—but has not denied that any other person brought it there. He does not indicate where that creel came from, it came from his place, and he has added another item of perjury to his evidence, with that want of coherence that often, in the most skilfully constructed plan, will be the means of its disclosure. He had two creels, and he says that the body was not carried down in one of them. He does not say whose creel it was, although he must himself have known perfectly well, and have had most ample opportunity of finding it out. I ask you to believe that it was taken in his own creel. Then what have you ? You have a son, I said you have a father assisting in that funeral, and the very person who carried the other body was Matthias Kerrigan himself, as far as all probability goes. And then he was met further down, as he got tired of the burden, by his friend, Pat Maunion, at the friendly house of Michael Corbett. Well, gentlemen, these are the circumstances, and to what do they point ? I say, gentlemen, that they point irresistibly to the guilt of Matthias Kerrigan himself. And I say this, that if the position of things was reversed, and if instead of having the prisoner at the bar, in custody here, you had Matthias Kerrigan in the dock, and Pat Maunion in the dock, and if you had testimony upon which you could rely, going to prove the circumstances which I have described to you, or that it admitted these circumstances, and if upon their admission they had been put upon their trial, what in the name of God could be said for them by any counsel standing up in their defence or their behalf ? But, gentlemen, if you are not absolutely satisfied that Matthias Kerrigan was in the swim—let us not be mealy-mouthed in this case, which is not a case for the niceties of language—if Matthias Kerrigan was in the swim,

and this Pat Mannion also down, what becomes of the case for the Crown? Or, if you have an honest doubt that Matthias Kerrigan was not in the swim, my client is entitled to the benefit of it, and to be acquitted at once, as if he had established beyond the shadow of the shade of a doubt that he was a thousand miles away; that is the rule of our law. But, gentlemen, there is another fact before I cease to trouble you, as I very shortly shall. There is another circumstance, gentlemen, that I shall endeavour to draw your attention to, that was the evidence of Kerrigan that Pat Higgins—I do not like to be referring to him, but I am bound to do so, as it is part of the Crown case—after he had lifted or picked up the stone, and it must have been a very odd one, and after he struck him—not by rapping, as it were, upon the crown of his head, mind, but simply going up and pushing it against him—and after he had propelled against his head that large stone, for it had the effect of immediately felling him to the ground, putting him, as has been described by one of the witnesses, up against the wall, and so affording the other witnesses an opportunity of going up and despatching him. That was positively sworn to have occurred, and the doctor is called forward, and I think he must have impressed you as being an impartial gentleman, and one who possesses an ample knowledge of his profession, and what does he tell you? He tells you that he made a *post-mortem* examination of the body of the deceased, and he made an examination of the head, most carefully every portion of it. And he was especially careful of the head, because it was in the head four out of the five bullets were as regards one of the bodies. And he tells you that there was no mark whatever of any violence or abrasion of skin upon that head, except what was produced by the pistol shots. What was your conclusion from that evidence? Is it possible that a stone of such size and weight as to fell the man to the ground could have been propelled against the skull without injuring his head, and that upon his head no trace or mark should be left of the terrible blow? The doctor tells you that there was not present upon the head anything to indicate that the transaction which was deposed to by Matthias Kerrigan had occurred, or that the murder had been committed other than simply by a pistol shot. Now, gentlemen, one other matter. Matthias Kerrigan, upon the unerring instinct of the police, is arrested upon the night of the murder. He has had the means before his arrest of communication with his family, because he is not arrested until the night of the murder, that according to the theory of the Crown the murder took place early in the morning. At the very least there were several hours, even on the day of the murder itself, when Matthias Kerrigan and his family were left together alone. Bear that in mind when you come to consider whether there has been a concocted story on the part of the family. It does not depend upon that opportunity to concoct it, for upon the admission of the Crown there was ample opportunity for it. An ample opportunity for every member of that family when Kerrigan got out of jail. But I think it right to point your attention to the fact that often in the inception of the transaction he had ample opportunity of communicating with his family, as he had when he was subsequently liberated from jail. Upon the 3rd of January he was arrested, not as a political suspect, but he is arrested upon the specific charge of the murder of the Huddys. He is brought before the magistrates; there is, of course, no evidence, because of course you remember that it is a common case with respect to every one of these witnesses produced on the part of the Crown, that they never gave the slightest information upon this subject until eleven weeks ago. I think it was last Tuesday. But mark, gentlemen, that includes as well the unimpeached and respected witness, Pat Mannion. And he not merely vouchsafed no information until Kerrigan was out—that circumstance I will presently mention to you. And he committed, if not perjury, he committed himself to a false statement, when he was interrogated by the police about this transaction. Coming to the question as to whether he knew anything about this transaction, or whether he was not in that ghastly procession on the 3rd of January, whether he was there and carried that body, under the circumstances which I have described to you, he being in equal peril either of the gallows or penal servitude for life, has thrown in his fortunes with Matthias Kerrigan, when he committed himself to a particular account of this transaction. He is discharged by the magistrates—you may take it probably about the 4th, 5th, or 6th January. There is no evidence against anybody. What takes place? The Crown are so satisfied of his guilt, that although he is discharged by the magistrates they have him again arrested. The police are so satisfied of the implication of Matthias Kerrigan in this awful transaction, that although he is discharged in due process of law by the magistrates he is rearrested. The Act of Parliament which enables the Lord Lieutenant upon his own motion, upon certain charges, to cause the arrest of persons even although discharged in due process of law by a magistrate, to re-arrest them, and to detain them in custody, even after they have been discharged

by the magistrates, was known to them. He was immediately re-arrested by warrant of the Lord Lieutenant upon a summons, conveyed by the police. He is arrested, charged upon a general charge of being suspected, not of illegal practices, of incitements to crime, or of any of milder terms expressive of the reason for which the persons are arrested, but he is arrested upon the specific charge of murder—that murder being the murder of the Huddys. And yet he is for nine months longer in gaol without disclosing anything of the circumstances connected with this murder. The Coercion Act comes to an end, he is entitled to his discharge by the law of the land. He gets out again, and he is re-arrested again. The Crown keep their grip upon him with terrible tenacity. He is re-arrested again, in the month of September, charged with the murder of the Huddys. He is put into jail on that charge, and then he is even brought before the magistrates upon it. Now, gentlemen, while he is in peril of being thus brought before the magistrate, and knowing that the Crown would never have consented to release their grasp upon him—for they were satisfied that he was the real murderer—in the month of September, in the month of November they were satisfied of it also—the matter is brought to a finality. And then a matter occurs which tells us why this confession or disclosure of his was made, as it was then. He was still in jail, kept in the firm grasp of the Crown, when a number of persons had been arrested on this charge also. The Crown, however, let them out, but Kerrigan is still in jail with the firm grasp of the law upon him. The other persons had been let out. What if the other persons happened to have known all about who committed this murder? Why, it was possible that some of them had been participators in this, or had acquired a knowledge of it from their residence in the locality, or had acquired the knowledge by statements of persons living in the district. The circumstances of the country were then much freer, as regards other persons, than they were at an earlier period, and he saw then that, perchance, there were amongst the persons—the large number of persons—who had been detained in jail, any of them who had information on this subject which would have fixed guilt upon him, and established it in a court of justice, that he ran the danger, that while he was still detained in custody, and while they were out, and when the influences which might have prevented them from telling the truth at an earlier period had been removed, and a return to a happier state of things for our country had returned, a great Act of Parliament having been passed for the tenantry. The fate of it was trembling in the balance for some time, but at any rate the tenantry decided in its favour, and were appealing to its beneficent operation rather than the operation of murder and of assassination, that at that time he lay in this danger—that if, perchance, any of the persons so released had information of this murder, that they could disclose it upon him, he still being marked out by the Crown as a guilty person. He then, gentlemen of the jury, lest that state of things should happen—and it is the only fair inference from his conduct—lest that should happen he makes this disclosure to the police whilst in custody, and still under the operation of the influence that the Crown believed him to be a guilty person, and were going to pursue him to the end. When he was there, the single person set aside for execution, whilst the others were left free—knowing that he was in the terrible danger, in the changed circumstances of the country, of having the whole thing disclosed, and his guilt brought home to him—he determined he would be beforehand with them, and accordingly, some time in September—while still in custody, mark you—he makes this disclosure to the police. Of course, gentlemen, upon making that disclosure he knew he himself would be safe—provided, of course, that it turned out that the thing was not utter perjury, that there was a concurrence in his statement by the members of his family, and that he could prove his case. And accordingly, under those circumstances, and under the apprehension that the guilt would be proved against himself by the persons who would be there, he make this disclosure; and I say, gentlemen, that those are circumstances which deprive that disclosure of the slightest value whatever, because it is a disclosure made by a person who is in peril of his own life to save that life—to save that life; and that the circumstances in which he was placed made it absolutely essential to him that he should fix this guilt upon somebody else; and accordingly, as gentlemen, one of the victims upon whom he sought to fix that guilt, and whom he selects, is my client, the prisoner at the bar—forgetting, not knowing, perhaps, that when the case would come before you it would be proved, as regards that man—as it has been proved here to-day—that he had no motive for the commission of the murder—not knowing, because that is one of the circumstances to which crime is alleged, that it is sometimes obliged to take a leap in the dark—he selected him, whatever they may say about anyone else—he selected him, and seeks to fix the guilt upon him. Those are the circumstances; and what remains in the case? You have, then, only the corroboration attempted in a false piece of concoction between them, because I have to tell you that there was a considerable interval of time between the time when he was

finally discharged from jail, having made the disclosure, and the time when the prisoner was returned for trial upon informations. There was the most abundant opportunity—it is conceded by the Crown themselves—the most abundant opportunity of communication between the members of the family for the purpose of enabling them to compare notes, and to make up the story, or complete the case for the Crown. Under those circumstances, gentlemen, you have corroboration from Bridget Kerrigan. It seems to me that if I hadn't the fact that he is the person found removing the traces of common guilt, at all events of her husband, and it may be of her son, and it may be of some other person—that even if you had not that circumstance against her evidence—you have this remarkable fact—you have this fact to fall back upon, that she is the wife of one who was a prisoner charged with this offence, so identified with him, whose interests are so much one that the very law of the land recognises the unity of persons so much that if he was upon his trial for his life, as my client is now, she would not be allowed to give evidence on his behalf, because the law regards her the same as one with himself in a unity of all common interests, of all common temptations, that she would not be even allowed to tell you any thing, as she could not be regarded as a competent witness to give you any account of the transaction. Of course she is solicitous of her life and that of her husband, she is solicitous of the consideration that her evidence was essential to fix the guilt upon some one else, and was to secure the release of her husband; and, therefore, I say to act upon her evidence as corroborative of this case would be one of the most dangerous courses that could be conceived, and one as entirely opposed to the spirit of our law as a jury ever acted upon. Gentlemen, is there any corroboration on which you could rely in the evidence of either of her sons given as it is in this case? Is there anything in the evidence of the two sons upon which you can rely? Have not they a common motive—to avoid the chance of the conviction of their father, and the desire to save his neck from the rope—to tell the story? And God knows I should be the last, certainly for myself, having regard to what I know and believe of the influence of affection—I was not going to say to condemn—even at all events, I would be the last person not to raise a mitigating word for them, where perjury has to be committed by them under circumstances of solicitation and temptation, almost sacred in which they exist in relation to their father and to their mother. But, gentleman, apart from those influences so operating upon them, which you have as regards the elder one of them, the elder of the two sons, you have this strong motive apart from affection altogether, and the desire to save his father—you have the fact that he desires to save himself. Because, gentlemen, if the circumstances point to the commission of this deed by his father, upon his own evidence, upon his own evidence he was one of those who constituted the body of persons who brought the bodies down to the lake. Then, gentlemen, if you only have to rest upon his own testimony, according to his own story, he is not upon the scene of the murder, as he says—if he was actually committing that participation—if it was a guilty one upon his part, and no coercion whatever would have made him were it otherwise—no more than in the case of Mannion—taking the most favourable view of his position—that participation would have made him guilty of being accessory to the commission of the murder after the fact, and would have put him in peril of punishment—of penal servitude for his life. Gentlemen, with regard to that part of the case you have, therefore, the distinct motive of self-interest, apart from affection altogether, operating upon the mind of the elder son to tell the story in order to save himself and to save his father. And, now, there is only one remaining witness, and then, as I said before, I shall have ceased to trouble you. That is the evidence of young Martin Kerrigan, the youngest son of Matthias Kerrigan. Gentlemen, it is, of course, a common interest, a common motive to save the life of the father. But, gentlemen, I appeal to you in this case, apart from that altogether, you cannot rely upon his evidence, and the reason I say that is this, that it was first proved from the able cross-examination of my learned friend, Mr. Adams, that that youngest boy committed wilful and deliberate perjury in this case. He, gentlemen, gave upon the table, and he gave in his deposition contrary accounts of the circumstances of this murder, as to where he was when it was committed. In the one case he said that he was in the house when the murder was committed, in the other case he puts himself outside the house upon the scene of the murder. It is a distinction that is not a mere technical one—such a discrepancy as sometimes in petty cases counsel are obliged to resort to in the absence of anything better—but he is guilty of an utterly inconsistent account, under the sanction of an oath, of the circumstances attending this murder, so far as he had to do with it. Gentlemen, he has been guilty of another piece of perjury in this case. He was asked by my able friend, on cross-examination—skilfully leading him on from point to point, not

letting him know what he was about, and that is the highest mission of cross-examination, as it generally results in the truth—he led him from point to point, not bullying him, but leading him gently. And he was asked by my learned friend—“Had you any conversation with your mother with reference to this murder,” and he said “No,” giving the same answer as the others gave—the glib answer. “Sure, of course, they knew all about it.” That is, of course, what they made up to say. But he denied it. It is simply inconceivable that he had no conversation with the members of his family upon that subject. But he denied, gentlemen, what was far more important still for the purpose of your investigation. He denied that his mother—who admits that she herself had been guilty of a false statement—Mrs. Kerrigan admits that she had been guilty of a false statement before she made her deposition to the police—admits it, is obliged to admit it—the little boy swears positively upon his oath that he had never been told by his mother not to tell anything about this murder; and when his mother, is put upon the table—we having, gentlemen, taken the precaution that the witnesses should be ordered out of court, and that there should be no communication between them about that. My friend, Mr. Adams, determined that there should be no opportunity of mending the hand or communication with them, and so making the stories harmonious, insisted upon the spot upon the reproduction of the mother—and, gentlemen, when she is brought into court, she admits upon her solemn oath, without knowing what the child had sworn—that she did tell the child, when the police came to investigate the transaction, not to say anything whatever about it. Therefore, gentlemen, I say, as regards him equally with the other witnesses that I have mentioned in the case, he is operated upon by the same influences—and his evidence is discredited by the double reasons—first, of affection, natural affection, upon which I would look with the most mitigating and pitying eye—solicited by affection for his father, aye, and for his mother, and further, because it is impossible, in my view of this case, to say that they were not all mixed up in this murder—and it is further discredited in a most important matter before you—because it is a most important matter for a jury as to whether a witness has been always truthful, whether a witness has been always consistent, whether a witness has been always honest—it is now discredited upon his oath and in a most important matter of having committed wilful and deliberate perjury. Every witness produced on the part of the prosecution in this case, so far as those witnesses are of any value whatever upon the real question in the case, namely, the circumstances attending the unhappy incidents upon that unhappy day, every one of them when they come here upon their oaths to give a certain account of that transaction, when compared with any of their prior statements to the police, admitted no change whatever and denied any complicity, or, in fact, any knowledge at all upon the subject. Therefore it is that I say when you are going to decide upon the fate of the prisoner at the bar, that you really have to deal with evidence upon which no faithful credence can be placed. I say that as long as there is no verdict the other way—and I cannot conceive in this case the verdict being the other way—I say that you have to deal with a class of evidence as regards the prisoner at the bar that is utterly unreliable as being the evidence of persons in actual complicity with this crime itself—having denied that complicity, having been there, or having made those statements different from those which they made when they were taken fresh, and when they might have been supposed to tell the truth, and it produced no evidence to you whatever to account for the conduct, and presence, and whereabouts of the prisoner at the bar, on the 3rd of January, 1882. I would be entitled to your acquittal—I would be entitled to your verdict of acquittal, because all the circumstances rather tend to show that it was the Kerrigans, and Mannion who is one of the accessories, at least after the fact, if not before—and I think the evidence is as much to make it before the fact as after, and I think they are as much guilty of this crime, or at all events that they have, gentlemen, so presented themselves to you, at the very furthest point in which you could rely on their testimony in favour of the Crown. You were left in doubt as to whether it was true, and therefore that if in that state of doubt, you should as a matter of common justice to the prisoner, and in discharge of your obligations made on your oaths, declare a verdict of not guilty. Now, gentlemen, we shall prove to you upon that morning, we were where we ought to be—my client was in his own house—a mile and a half at least removed from the scene of the murder. We cannot, gentlemen, of course produce to you his wife who was there upon that morning, but we will produce the person who was there—we shall produce the person or persons who were there. They will tell you what his movements were upon that day, and they will disconnect him utterly from this transaction. Having, gentlemen of the jury, made that case, I, even if I hadn’t made that case, I will ask you with great confidence in this case at all events, whatever may have

been the merits of our case—whatever may have been the merits or demerits of another case—at all events to say in this case—not guilty.

Julia (Judy) Halloran sworn, and examined through the Interpreter by Mr. ADAMS.

Now, Mrs. Halloran, are you a sister of Thomas Higgins the prisoner there?—She is.

Is she a married woman herself?—She is.

Where does her husband live?—At Cluggan.

How far is Cluggan from where the prisoner lives?—About five miles.

What is her husband?—He is a weaver.

Does he weave flannel?—He does.

Ask her in the beginning of January last had her husband any flannel to weave for the prisoner?—He had frieze or flannel in the loom for the prisoner.

Does she remember the day, ask her, when the police were in Cloughbrack looking for the Huddys, or that she heard the Huddys were murdered—no, but ask her does she remember the day when she heard when the Huddys were murdered—Tuesday?—On the evening of Monday she went to—

Ask her was that the Monday before the Huddys were murdered?—On the evening of the Monday she went to her brother's house to look for more yarn to complete the frieze.

Ask her was that the Monday before she heard the Huddys were murdered, before the police were in Cloughbrack?—It was not.

The Monday I ask?—That is the word, Monday, sir. Question repeated by the Interpreter.—The morning previous to little Christmas Day she went to look for the thread.

Little Christmas Day, that is the 6th of January?—So she says, sir—Little Christmas Day.

Ask her the question—ask her to explain what she went there about the thread—to explain that to the jury?—To complete the frieze. She told you the way before, sir.

What time on the Monday did she go to the place?—About two o'clock.

Was the thread ready, ask her?—It was not spun at all.

Did she remain at her brother's house that night?—She did, indeed.

Did she sleep there?—He did indeed.

Ask her what time did she get up in the morning, about?—About an hour or an hour and a half after she found it was daylight. She says she wishes to tell the truth, she says.

Ask her was she the first to get up that morning?—She was indeed.

Ask her what family has her brother—Is he married?—He is married—one child.

Is the child very young, ask her?—Something about a year or something more than a year.

Ask her, when she got up where was her brother, the prisoner?—In bed.

Ask her, did she see the prisoner get up?—Indeed she did.

After he got up, ask her, what did he do?—He put on his clothes and said his prayers.

Ask her, did he do anything about getting the breakfast ready then?—He washed a pot of potatoes, and put them down for the breakfast.

Ask her, did they eat their breakfast together?—They did indeed.

Ask her, after breakfast, what did her brother do?—He washed another pot of potatoes, and put them down for the pigs.

Ask her did she remain there until dinner?—She did and afterwards.

And ask her did she see her brother from breakfast to dinner time—was he out of her sight, ask her?—When he put down the potatoes for the pigs he remained until they were boiled, and he remained smoking and sitting on a chair. He then fed the pigs, after that he took away a basket and a shovel then. He then remained drawing in potatoes into his house in the garden.

Ask her where is the place in the garden from which he was drawing—the garden or the potato pit?—The potato pit.

And could she see from the house door?—Not from the spot that she was spinning the wheel herself, but when she would leave the house she could see her brother come with the potatoes—she would have her business to go on.

Where was he coming with the potatoes from?—From the potato pit into the house.

How far was the pit from the house, ask her?—She is doing her best to do what is right. She believes about half an acre from the house to the potato pit.

And ask her did she, between breakfast and dinner, constantly see her brother that day?—She could see him every minute.

Every minute—she did not see him every minute?—She says, sir, it was not more than a quarter of an hour at any time without her seeing him, when coming with the potatoes and going out again.

Ask her what time it was when she left the house?—When she herself left, sir?

Yes?—She says that from her own house to the brother's it was five miles—when she left her own house. When she left her brother's house a good while after—at any rate it was dark night when she reached Carnamona.

In her brother's house that day, ask her who was present besides—she has stated her brother, her sister, his wife, an infant child and herself. Was there anyone else there in the morning?—Yes, another girl that was spinning wool with her.

What is her name, ask her?—Sally Laffey.

Ask her was that the entire party that was in her brother's house that morning?—That is the entire.

Cross examined by the SOLICITOR-GENERAL.

She slept in her brother's house that night?—She did, indeed.

In what room?—There was no room—none but the kitchen.

How many beds are there in the house?—There was no bed in the house but the one the husband and the wife occupied, and the wife prepared for the witness on one side of the——

She came to get thread or yarn?—She came for thread, and remained until the next day, spinning on Tuesday.

Did she expect to find the thread ready when she came?—She did not know whether it was ready or not; but she was not intending to go home at all that night.

Was she first up in the morning?—She was.

And the brother washed the potatoes and boiled them?—He got up, put on his clothes, said his prayers, washed the potatoes, and put them on to boil.

She recollects about the saying of the prayers particularly?—She went; he went on his knees.

That struck her at the time. Well was Sally Laffey there at that time?—She had the kitchen swept and the house cleaned, when Sally Laffey came, and it was then the prisoner got up.

Then Sally Laffey was there, when the prisoner got up?—She was.

There were then three women in the house—the prisoner's wife, herself, and Sally Laffey?—Yes.

And it was the prisoner who put the potatoes down?—Yes, and took them up.

Yes, and washed them?—Yes.

And put them and took them off?—Yes.

And I suppose he threw the water off?—He strained the water off, and put the “skib” on the table when they were going to eat them.

As soon as he had done that, he began to boil another pot of potatoes for the pigs?—Yes, he washed another pot, and put them on for the pigs.

And took them off, I suppose?—Yes, and smoked while they were eating them.

While they were eating them, and I engage it was he who boiled the potatoes for the dinner?—It was not potatoes they had for their dinner.

What had they for dinner?—Bread, butter, and tea.

Did the prisoner make the tea?—It was not, but his wife.

Between dinner and tea what was he doing—between breakfast and dinner I mean?—He was drawing potatoes up to the time exactly his wife was preparing the dinner on the table.

What was he drawing the potatoes in?—A cleave.

Do you understand me. Does not your brother speak English?—The Interpreter; Yes—She herself could speak it, a word to a child, but she could not tell her story.

But does she understand what I say to her?—She knows it a word.

It was a cleave he was carrying the potatoes in?—It was.

Out of the pit?—Yes.

And where were the potatoes put?—He was putting some of them under his own bed, and some of them on a small loft.

How many times did he go for the potatoes?—She could not tell—she did not count them, but he went often.

And he was not away from home the entire day?—He did not go.

Ask him to tell me the next time after that that she slept in her brother's house?—She did not know the time, but when she wished she would go to visit her brother.

Did she ever sleep in her brother's house once since the 3rd January?—After this, up to this time?

Yes?—She slept since and before, whenever she would wish to go to visit.

How long before the 3rd January was she there —She could not tell, that is her answer.

Was it a month before the 3rd January?—She will say nothing—she has no recollection whether it was a month or a quarter—whenever she wished to visit.

Was it six months—will she swear it was six months before?—Well, indeed it was upwards.

What was she doing on the time, before the 3rd January, she visited her brother's house?—She came to visit him, and was doing nothing.

Did she sleep that night, that time?—She did.

Who saw her there that time?—Himself and his wife.

Anybody else?—They might have come to visit if they wished, but she doesn't.

At the time on the 3rd January, when she was there a day and the night before, can she tell anyone that saw her in the house?—She asks is that the night she was spinning wool, and I say yes.

Yes?—She saw no one coming into it but the little girl that was with her.

That is Laffey?—That is Sally Laffey.

She was out on the door several times, so that she could see her from the potato pit?—Yes, because she often, perhaps, required to go out.

She was not hiding?—She was not.

Is the house close to the road?—Yes, but there were two doors on the house at that time.

And I will engage she went to the door that was away from the road?—It was; it was furthest from the road.

What was she doing all day?—She was spinning.

All day?—Until she was ready to go home.

What was Sally Laffey doing?—Spinning.

How many wheels were there?—Two.

Are there two in the house? Does she swear that?—She doesn't know; but there were two wheels in the house on that day. But she does not say whether the two belonged to herself or not, or whether one was got for the occasion.

The witness did not bring a wheel with her on that occasion?—She didn't.

And there were two wheels in the house that day?—Yes; there were two.

Did she ever see two wheels in the house before or since?—Yes, she did previously often, four and five wheels, when they were gathered together spinning the frieze, or anything of that kind.

Oh, when they were gathered together spinning. Where did the spinning wheel come from that day?—The wife came in with the wheel, and she could not say whether it was from her father's or not, but she brought it in.

At what time?—When she got up.

Before breakfast?—Yes.

How long was she out?—Just while she was crossing the street.

Sally Laffey didn't bring a wheel with her?—She did not.

Where does Sally Laffey live?—At Bohann.

Where is she now?—She is in the Courthouse.

This Courthouse here?—Yes.

When did the witness see Sally Laffey last?—She saw her now when she came here.

And she swears that Sally Laffey was there the whole day?—She was, and the witness left her after her, and she was not spinning.

What time did witness go home?—She left when it became dark at Carnamona, and that is three miles from her brother's house.

Sally Laffey was not spinning, does she say?—She was spinning, but she was not spinning when the witness left. Sally and the wife came to the door to see her off.

When did her husband finish the frieze?—He was not able to finish the day after the witness returned home.

When did he finish it?—The day after that again.

Did she take yarn home with her?—She did.

Then what was Sally Laffey spinning when she left?—She was spinning nothing when the witness left. There was no more required, and she had no occasion to spin any more.

Was there more wool?—There was plenty?—There was not a great deal, but there was more than the witness required.

And she got to Carnamona about nightfall?—So she says, sir, when the night was falling.

Ask her to tell me the names of any people she met going home?—She met no one from the time she left the brothers' house, but two gossoons whom she did not know.

And she remembers the two gossoons that night?—She remembers meeting two gossoons, but she doesn't know them.

Where were they?—Convenient to Carnamona, on the Cloughbrack side.

Going home, did she go down America?—No; there was a short cut without going through America, from her brother's; she was endeavouring to make haste home, and she made the short cut.

And then she didn't go by the main road?—Not while she was going through the short cut.

Then where was it she met the gossoons?—About a mile from Carnamona.

What were they doing?—Nothing, but coming against her on the road.

Did she notice what they were like?—She did not; she passed no remarks on them.

And she remembers now, on the 3rd January that she met two gossoons on the road?—She does.

And no one else?—No one else.

And she noticed them at the time?—She did notice that she met no one else.

Whom did she meet the last time she was at her brother's house?—Coming home?

Yes, the last time she was there, coming home?

Mr. Justice O'BRIEN.—When was the last time.

The *Solicitor-General*.—When was the last time she was at her brother's house?—She doesn't remember the last time.

Was it six months ago?—It is not.

How long ago?—She cannot remember what time, but it isn't that length of time.

Mr. Justice O'BRIEN.—Can she tell what day it was?

The *Solicitor-General*.—What day of the week was it?—Sunday was the last day she was on a visit there.

Could she tell the name of anybody she met there?—She saw plenty, but she cannot name them; she thought she had no occasion to notice them.

She thought she had no occasion to think of them?—Yes, sir.

Did she think she had any occasion to think of them on the 3rd of January?—She didn't think she had any occasion to remember anyone.

Then has she any reason for remembering those two gossoons?—She has no reason to so say, but that she met them on the day she was spinning the wool.

And how does she remember them when she had no occasion to remember anything of the kind?—She remembers well that she met those two gossoons.

A *Juror* (Mr. Russell).—Will you ask her when she gets up in the morning, when she is at home?—What time in the morning?

Yes. When does she get up when she is at home?—Sometimes at six, sometimes at seven, accordingly as she is well. She is not well, she says, she doesn't be well. When she feels able. She does not be well.

On the morning of the 3rd of January, when she slept in the prisoner's house, what time did the prisoner get up, how long was it after she got up herself?—When she got up, and put down the fire, and swept the floor, Sally Laffey came in, and immediately after the brother got up.

So far as I have got the evidence, my lord, I have not got her past Carnamona. When did she reach Cluggan, her own home?—Well, she had only two miles to go, and she hurried on as well as she could.

Did she call at anyone's between Carnamona and Cluggan, on her way to her own house?—No, because there was no house on the road between Carnamona and her own house; and on the Wednesday evening she heard there were people looking for the Huddys, and that is the truth now, as if she was before the priest.

A *Juror* (Mr. Sloane).—Will you ask, please, what the prisoner did after the potatoes were boiled for the pigs?—He was sitting on a chair, making a little sport, and smoking, and his child in his arms or on his lap.

A *Juror* (Mr. C. Uniacke Townsend).—Will you ask her what time did the prisoner's wife get up?—One after the other, immediately.

Did she do anything in the house in the way of tidying up or anything?—She was carding wool for the witness—this witness and the other girl.

A *Juror* (Mr. Maple).—Will you ask her is it usual—did her husband always prepare the meals?—She could not tell, but she knows that he was leaving the women to attend to the wool as there was a hurry or a pressure on them.

Mr. Justice O'BRIEN.—Ask her where her father lives?—In America, my lord.

Has she a brother?—She has, my lord.

Besides the priest?—Another brother, my lord.

Where does he live?—With his father.

With his own father?—His own father, my lord.

I thought she said her father was in America.

Mr. *Murphy*.—It is the place called America here.

Mr. Justice O'BRIEN.—What is her father's name?—Tom Higgins.

Mr. *Murphy*.—And is Pat her brother?—Michael.

And what is her other brother?—Tom, the prisoner.

Mr. Justice O'BRIEN.—Has she a father-in-law—her husband's father?
—He is alive, my lord.

With whom does he live?—With the witness and her husband, my lord.

The *Solicitor-General*.—Will your lordship ask her is her father-in-law's house near to John Macken's?

Mr. Justice O'BRIEN.—Her own father's house?—Will I ask her that, my lord?

Yes?—Very close—there are two houses between them.

Now tell me how close are they?—A quarter of a mile, my lord.

Between her own father's house and Macken's?—Yes, my lord; she is not sure is it more. She could not tell is it more or less, but she believes it is about a quarter of a mile.

The *Solicitor-General*.—Did she go to her father's house that day—on the 3rd of January?—She didn't go that far, for she was in a hurry home.

Mr. Justice O'BRIEN.—Coming or going?—She went to it, my lord, on going to the brother's house on Monday, but the door was locked.

Will she tell me who was it told her that the police were looking for the Huddys?—She heard it from people in the village that the police were looking for some people.

Who were the people that told her?—Some of the neighbours, and she does not remember them, my lord.

She does not remember the names?—She does not.

What time was it when she heard that?—She remembers well that she had her dinner eaten on the Wednesday when she heard the police were looking for people, my lord.

A *Juror* (Mr. Sloane).—My lord, will you ask her this question?

Mr. Justice O'BRIEN.—Ask it yourself, sir.

A *Juror* (Mr. Sloane).—Where did the short cut commence that she took whilst on the way home when she was from her brother's house. Is it near Mannion's?

Mr. Justice O'BRIEN.—What is the nearest road to the place where she began to take the short cut?—Out from Stephen Burke's house—the boroen there.

That was the short cut?—Yes, my lord.

The *Solicitor-General*.—How far is that from her mother's?

Mr. Justice O'BRIEN.—How far away from her brother's is that, tell me?—She thinks it was at least a quarter of a mile to the best of her judgment.

A *Juror* (Mr. Russell).—Did she say anything to the people who told her about the search for the Huddys?—She told the people who told her that the police were looking for the Huddys; that they were also looking for them at Cloughbrack.

Mr. Justice O'BRIEN.—She herself said that?—Yes, my lord.

How does she herself come to know that they were looking for them at Cloughbrack?—She heard it from the people who told her; her own neighbours.

When?—After her dinner on Wednesday, my lord, and she says also, my lord, that she was surprised. That they were looking for them there as she was spinning at the place, and didn't hear it on the day before.

Now, she heard after her dinner-hour, she said, from the people at Cluggan, where she lives—she heard people say, that the police were looking for the Huddys?—Yes, so she says, my lord.

After her dinner?—Yes, my lord.

And she says they were looking for them at Cloughbrack?—Yes, so she says, my lord.

Who told her that?—Indeed she could not tell, but she heard it from several people passing to and fro.

On that same day?—On that day, Wednesday.

In the morning of that day, was it?—After her dinner.

Could you tell any of the people who told her that the police were looking at Cloughbrack for the Huddys?—Indeed, she could not.

She apparently hears my question?—She answered the question before I put it at all, my lord.

Were any of them Cloughbrack people?—Oh, not one, my lord.

A *Juror* (Mr. Sloane).—To what part of the country did the short cut go from where it started?

Another *Juror* (Mr. Murphy).—There is no mark, my lord, where Burke's house is.

Mr. Justice O'BRIEN.—If the constabulary were here, they might point out the situation of Burke's house. In fact, the Interpreter ought to be able to tell it.

The *Interpreter* (Constable Evans, R.I.C.).—I could not tell it, my lord. I have not been there for a long time.

Mr. Justice O'BRIEN.—If Constable Rudden were here he could tell it; he was the person examined yesterday.

Constable *Ruddan* sworn, and examined by the SOLICITOR-GENERAL, M.P.

The *Solicitor-General*, referring to the large map—This is the boreen leading down to Corbett's, Macken's, Higgins', and Kerrigans' here; that is the main road to Clonbur, and that is the Cornamona road, called the main Cornamona road; that is the house, marked, of Thomas Higgins. Do you understand where there is a short cut by Stephen Burke's over to Cornamona? Do you know Stephen Burke's house at all?—I do, and if I had a stick I would point it out—by Stephen Burke's house.

She spoke of a boreen?—Stephen Burke's house is about here—the most direct way would be round by the boreen out here.

By Halloran's?—Yes, and out by this boreen here.

And that is Kerrigan's?—Yes.

A *Juror*, Mr. Maple.—Can you show us the position of her house?

Mr. *Murphy*.—Oh, it is far away?

Witness.—That is the road there leading to her house.

This one?—Yes. Cornamona is some three miles down, and her house is beyond that.

Julia Halloran re-examined.

A *Juror* (Mr. Townshend).—Ask her when she was going the short cut did she pass by Halloran's house.

Mr. *Murphy*.—Which Halloran—her own father-in-law or Halloran, the witness.

A *Juror*, Mr. (Townshend).—It is the house that is stated.

Mr. Justice O'BRIEN.—Ask her does she know John Halloran and his son, the witness examined here?—She does, my lord.

Ask her did she pass near their house, when going home by the short cut?—She stopped behind it.

How far behind it, did she pass?—No distance at all, but entered an old street, she followed it, and she went on that way.

And she didn't call at Halloran's?—She didn't go at all as far as it, but she kept away from it on the old street—another old boreen.

Constable *Ruddan*, is Stephen Burke's house on the road to Clonbur, but nearer to America?

Constable *Ruddan*.—No, it is between Thomas Higgins' house, the prisoner's, and America.

Or on the road down nearer to America, and that is the point she says she started up there?—There is a little boreen coming from Halloran's, and joining this lane here. There is quite a narrow pathway just there, and you can follow it out to John Halloran's house until you get to the other boreen, and then on to the Cornamona-road. In fact, the whole place is intersected with little pathways.

The *Solicitor-General*.—Do you know her father's house?—No, I do not.

Or Thomas Higgins's?—Yes, I do.

The *Solicitor-General*.—I don't know whether this is Higgins's house down on the map or not, but there is another further on. There is one here between that and Flynn's.

Mr. Justice O'BRIEN.—Between John Macken's house and America, she says.

The *Solicitor-General*.—Yes, my lord.

Constable *Ruddan*.—That is the corner of the Cornamona road, and that is Flynn's, and this should be the house.

And then here is the house of Thomas (Pat) Higgins, next to Macken's?—That is her father's house.

The *Solicitor-General*.—That is not laid down, gentlemen, on the small map you have here. It is a little nearer to Flynn's, between Higgins' house and Flynn's, on the map.

A *Juror*.—There is Thomas Higgins's and Flynn's, and old Pat Higgins'. There is old Pat Higgins' marked here.

Mr. *Murphy*.—Yes, sir. It is a little further on nearer to Flynn's than that—halfway between that and Flynn's. It is marked Thomas Higgins by itself. It is not the one with Thomas Higgins and Pat Higgins under it, it is between the house of the other Flynn, who was examined as to seeing the Huddys, and Macken's house.

A *Juror*.—Is it the one nearer to Macken's?

Mr. *Murphy*.—No, sir. It is the one near to Flynn's.

Sally Lafey, an Irish-speaking witness, sworn, and examined, through an interpreter, by Mr. TEELING.

Ask her the place where she lives?—In Bahaun.

About how far is that from the house of the prisoner, Thomas Higgins (Tom)?—Half a mile.

Now ask her does she remember last January—the Monday before little Christmas?—She does.

Did Mrs. Higgins, the prisoner's wife, go to her house on that Monday?—She did.

Did she see her when she went?—She was talking to her.

Did Mrs. Higgins ask her to come the next day early to her, Mrs Higgins' house, to assist in spinning the wool?—

Mr. *Murphy*.—I object to that.

Mr. Justice O'BRIEN.—And I allow the objection.

Mr. *Teeling*.—I yield to the objection. Now, the next day, Tuesday, after Mrs. Higgins was there, what time did she herself get up in the morning?—It was half an hour or an hour after daylight when she got up in the morning.

Did she go to the house of the prisoner?—She did.

May I ask her, my lord, for what she went?

Mr. Justice O'BRIEN.—You may ask her what she did when she went there.

Mr. *Teeling*.—When she got to the house who did she see there?—She saw Judy Halloran, and the place was swept, and the fire put down.

Well, now, when she got to the house was Tom Higgins, the prisoner, still in bed?—He was.

How soon after she arrived did the prisoner get up?—A little while.

Now, what did the prisoner do when he got up?—He was sitting down for a little while at the hearth, when he went to put on a breakfast of potatoes.

When the breakfast was ready, did they breakfast together, she and the prisoner's family?—They did.

After breakfast did the prisoner do anything?—He smoked his pipe, and then put down a pot of potatoes for the pigs.

Did he feed the pigs?—He did.

After he fed the pigs what did he then do?—When he put the pigs to bed after getting their meal, he took a spade—no, a shovel—and a basket, to draw potatoes.

Was he drawing those potatoes during the day?—He was drawing the potatoes until evening.

Did she see him herself going out and coming in with the potatoes?—She did.

From the field outside?—Yes.

His own land?—Yes.

What time did she leave in the evening to go home?—It was near night.

Was the prisoner in and out the whole day up to the time she left? He was.

What was she doing there herself that day?—She was spinning wool.

Who else was spinning the wool also?—Judy Halloran.

Ask her is it the fact that about three weeks after two policemen came to her father's house to examine her?—There did.

Mr. Justice O'BRIEN.—Tell the names of them?—Sergeant Rudden, and she does not know who the other man is.

Mr. *Teeling*.—Were these policemen in uniform when they came?—They were in uniform.

Did they ask her if she knew anything about the murder?

Mr. Justice O'BRIEN.—I beg your pardon—

Mr. *Murphy*.—You will leave that to me.

Mr. *Teeling*.—Do you object to that question?

Mr. *Murphy*.—Certainly.

Mr. Justice O'BRIEN.—I object to it myself.

Mr. *Teeling*.—Ask her were the police with her lately also?—Yes.

The *Solicitor-General*.—I object to this. It is not legal evidence at all.

Mr. Justice O'BRIEN.—It is wholly illegal altogether,

Mr. *Murphy*.—You know it will all come out yet, but we wish to have our own examination conducted by ourselves.

Cross-examined by Mr. MURPHY, Q.C.

Commencing where you dropped off about the police—does she live close to the Bohann hut where the new police station is?—Yes, close to it.

And she sees the police all there in uniform?—She does.

She knows the sergeant well, I suppose?—She does.

Had she been accustomed to see him there for five or six months?—She had.

And she was not frightened at him?—She was afraid of him.

She says she was afraid of him?—She was.

Whenever he spoke to her?—Yes, she was afraid he would take her with him.

Was she afraid the other police would take her?—She was afraid of the whole of them.

Being afraid of the whole of them, did she ever bring socks to them to sell?—She did not.

She never went to the hut at all with anything to sell?—She did bring socks to one of the red sergeants.

That is the soldiers?—She now says it was to Sergeant Rudden she brought the socks.

Mr Justice O'BRIEN.—He is not a red sergeant?

A *Juror* [Mr. Russell].—Perhaps he is red haired.

Mr. *Murphy*.—Just so, Mr. Russell. Was she afraid of him when she was selling the socks to him?—She was not at that time.

Was she afraid of him whenever he spoke to her?—about the Huddys?—She was.

Ask her on this morning was it after the breakfast they began to spin?—They were spinning before the breakfast.

Was any one telling her a short time before they came there that Judy Halloran said they had two wheels?—When she came to the house there were two wheels there.

Did any one tell her that before she came in there?—They did not.

Was there no one speaking a word to her at all about what Judy Halloran said to her?—There did not.

There was no one speaking to her at all about it; is she sure of that now?—She is.

Who owned the wheels, ask her?—Himself owned one of them and the other belonged to her mother.

To her mother?—The wife's mother.

The prisoner, Thomas Higgins, was there before her when she went?—He was.

Did any person come into the house that day at all while they were spinning?—There did not.

Did she see any person passing along the road that she recollects at all?—She did not see them.

Does she know Michael Flynn?—She does.

She did not see him that day?—She did not.

And when did she hear that evening that the Huddys were murdered?—She heard it on the evening of Wednesday.

And did she not hear it at all until Wednesday evening?—She did not.

Did she and Judy Halloran hear it the same evening?—Judy Halloran was not there on the evening of Wednesday, but was at home.

Were Judy Halloran and she living together since they came up to Dublin?—They were here, in this town.

Were they ever talking at all about what day they heard of the Huddys being murdered?—They were not.

They were not talking a word about what day they heard it?—They were not.

She never asked Judy Halloran when she heard it?—She did not.

Was Judy Halloran never asking her?—No.

Did they ever speak a word about it at all?—Not a word.

Were they talking that they were spinning the day the men were murdered?—They were not.

How soon after that did she know that the prisoner was arrested?—She is not certain what time he was taken.

Was he taken in that month?—She does not know.

Was she talking to his wife at all after he was arrested?—She was not.

She was not?—No.

How long did she know him to be in jail—was he in jail for a great many months?—She does not know what months he was in jail.

Did she not know him to be in jail for a long time?—She knew he was for a good while in jail.

Did she not know he was in for the murder of the Huddys?—She heard he was.

And was the wife talking to her at all about the day she was spinning?—She was not.

She never asked her did she recollect that Judy Halloran and she were spinning the morning the Huddys were murdered?—She did not.

And said she met her often, that is the prisoner's wife?—She did, often.

Mr. Justice O'BRIEN.—And did she often meet Mary Halloran?—She says she did not meet her at all, my lord, since the day she was spinning.

Mr. *Murphy*.—She did not see her over there spinning since that day?—She did not.

Had she been spinning with her ever before that day?—She was not.

When she met the prisoner's wife during the time the husband was in jail, did they ever talk about what he was in for?—No.

Never a word about it at all?—Not a word.

Did the wife never say to her, you can prove he was at home and at his breakfast at the time the Huddys were murdered?—She says she did.

Then the wife did speak to her?—Yes, and that she could prove he was at home the day of the murder.

Why did she say in the last answer they were never speaking a word at all about the Huddys' murder?—She met her on one occasion, and the prisoner's wife told her she could swear she was over spinning there.

She told her she could swear she was over spinning there; and that the prisoner's wife told her she could recollect it was the day the Huddys were murdered?—She did not.

But all she told her was she could recollect she was one day spinning there?—That is all.

She could recollect she was one day spinning there?—Yes.

Did not the wife say that was the day the Huddys were murdered?—She did not say it.

Did she herself know at the time it was the day the Huddys were murdered?—She does.

Ask her did the wife tell her why she reminded her she had been one day spinning there?—It was about that, that she was there that day.

Mr. Justice O'BRIEN.—Did the wife give any reason for reminding her that she was there spinning that day?—She gave her no reason.

Mr. *Murphy*.—Did the wife say to her, recollect, you were spinning at my house the day the Huddys were murdered?—She did not, but she herself remembers she was there.

Ask her, when the wife said you were spinning at my house one day, did she say anything more about the day at all or what day it was, or remind her of what circumstance occurred that day?—She did not.

But merely said she was spinning one day at her house?—That is all.

Did she herself then recollect well it was the day the Huddys were murdered?—She does.

When first did the wife speak to her after that?—A good while after.

Did she speak to her during the summer, last summer?—She did not; she thinks that is about the time.

About the summer?—Last summer.

Did she speak to her again then about the day she was speaking of?—She did not.

Mr. Justice O'BRIEN.—Was it the only occasion?

Mr. *Murphy*.—Did she never speak to her but once about the day she was speaking of?—Only once.

And that was last summer?—That was last summer.

And had her husband been in jail for five or six months at that time?—He was.

He was in jail for five or six months; and since last summer did she never tell anyone she had been spinning in the house the day the Huddys were murdered?—She did not tell anyone but the police.

Oh, but the police?—She told the police at Fairhill she was spinning wool.

Did she tell them she was spinning wool the day the Huddys were murdered?—She did.

Was it to Sergeant Reddin she told it?—It was not; but she does not know who the policeman was.

Did he ask her about it—the policeman?—He did.

What month was it that she told him this?—She does not know what time.

Was it last month, ask her?—The last month.

Did she ever see the man before who asked her that?—She never did.

She never saw him before? Did he ask it of her in Irish, or was there a person to interpret?—He put it in Irish to her.

How many police were present?—Three.

And did she not know the name of any one of them at all?—She does not.

Was it in the barrack she told them?—In the barrack.

Is that barracks at Clonbur?—It is, Clonbur.

Did Sergeant Rudden ever speak to her about it?—He did not.

He never asked her about the day the Huddys were murdered?—He did ask her. He asked her about the day the Huddys were murdered.

Did he ask her whether she saw the prisoner Tom Higgins on that day?—He did.

What did she tell Sergeant Rudden?—She told him a lie. She was afraid of him. He told her he would take her and her father.

When he asked her did she see Tom Higgins the prisoner the day the Huddys were murdered, what did she say to him?—She told him she did not, through fear of him.

Did she tell him she was at home all that day?—She did.

Did she tell him that she did not go to the prisoner's house that day?
—Yes, through fear of him.

Did she tell him she did not leave her own house that day, and that it was false to say she was spinning wool at the prisoner's?—She was afraid to tell him the truth.

Mr. Justice O'BRIEN.—Did she tell him she did not leave her own house that day, and that it was false to say she had gone to the prisoner's house to spin wool?—She did, my lord, because she was afraid of him—afraid of telling the truth.

Mr. *Teeling*.—Afraid of telling the truth, she adds.

Mr. *Murphy*.—And did she not know Sergeant Rudden for a long time there?—Not too much.

But she had known him for a good many months?—She knew him a month before it.

And several months before it?—No.

Tell me, did she tell that to Sergeant Rudden more than once when he asked her?—Only once.

Was that last October?—She says it is more than a month.

And did she not know at that time the prisoner was in jail charged with the murder?—She knew he was.

Was she not as much afraid of the police at Clonbur as she was of Sergeant Rudden?—She was not.

Although she was in the barracks at Clonbur?—She was.

Was it in her own house she told her story to Sergeant Rudden?—It was.

And was it before she told it at the barracks she told it to Sergeant Rudden?—She told it first to Sergeant Rudden.

Who was in her house when she told this?—She says she told it to Sergeant Rudden, because she was afraid of him.

Who was in her house when she told this to Sergeant Rudden?—Her father and mother, and there was another policeman along with him.

Was not all Sergeant Rudden asked her was, whether she had seen the prisoner at all the day of the murder?—He asked the witness what she was doing, and she replied, she was in her father's house.

The day of the murder. He did not charge her with having anything to do with the murder?—Her first reason is that she was afraid of him, and again she says, he did not charge her with anything, but she was afraid of him.

This is better than a month. Had not Sergeant Rudden been stationed there all the summer?—He was in Clough barracks.

Mr. Justice O'BRIEN.—In the hut?—Yes.

Mr. *Murphy*.—And often spoke to her before?—Yes, at times.

Mr. Justice O'BRIEN.—Used she meet Sergeant Rudden very often?
—An odd time.

Would she salute him when she met him?—Sometimes, my lord.

And sometimes spoke to him?—Sometimes would speak.

Used she see him at Mass on Sunday?—She would.

And talk to him then?—Not then.

She might if she met him talk to him on Sunday?—He would bid her God speed.

Mr. *Murphy*.—Is her house not the very next house to the police hut at Bohaun?—It is the very next house to it.

And Sergeant Rudden used to be going to and fro then constantly?—He used to be going here and there, and everywhere.

Mr. *Teeling*.—One question only. Ask her when Sergeant Rudden went to her house and she told him she was at home on the day of the murder—ask her on that occasion was there another policemen with Sergeant Rudden?

Mr. *Murphy*.—She said so.

Mr. Justice O'BRIEN.—What time on Wednesday did she hear of the murder, and from whom?—She heard it on Wednesday—on the evening of Wednesday; the police were looking for him.

Looking for whom?—She heard it from the scholars of the school.

But looking for whom?—They were saying they were looking for Huddy.

She heard that on Wednesday evening?—Yes, from the scholars of the school.

How far is the school from her house?—A mile and a half or more.

Where did she meet the scholars?—At her own house, my lord.

Were they some of her own family?—No, but children of the village, my lord.

Had she heard nothing at all before that evening about it?—She did not, my lord, before Wednesday evening.

Did not hear about the Huddys being killed at all?—No.

A *Juror* (Mr. Russell).—How far from Matthias Kerrigan's house is Bohaun, where she lives?—A mile and a half.

Does she mean to tell the jury she did not hear of a murder committed

a mile and a half away on Tuesday morning—that she did not hear of that murder until Wednesday. Does she mean to swear that to the jury.

Mr. Justice O'BRIEN.—Or of any person being killed. Put it in that way?—She says she did not hear a word of it.

Mr. *Teeling*.—It was not known then, Mr. Russell, there was any murder.

Mr. Justice O'BRIEN.—Mr. Russell's meaning is clear. Did she get no information of a matter of the kind occurring in the neighbourhood?

Mr. *Murphy*.—She did not hear anything about the Huddys being killed then.

The *Juror* (Mr. Russell).—I am sorry I interrupted.

Mr. Justice O'BRIEN.—What was she doing on Thursday?—She was doing nothing, but was in her own house.

A *Juror* (Mr. Sloane).—Ask her when it was arranged she was to come spin the wool—on the Tuesday?—The evening of Monday.

Sally Laffey, recalled.

Mr. *Murphy*.—I propose to ask her, with your lordship's permission, to tell us the day she went from her own house to Clonbur, to the barracks there?—The fair day of Maam, but she cannot say what day.

Mr. Justice O'BRIEN.—What month was it?—This month past.

That is November?—November, my lord.

Mr. *Murphy*.—Ask her who was with her coming from her own place to the barrack at Clonbur?—Tom Higgins's wife—the prisoner's wife.

Did she bring her into the barracks?—She did not—she went to Fairhill barracks. That is Clonbur—and the witness went to the barrack herself. The police were in front, and there was a man behind her.

In front of the barracks?—In front of the witness.

She went to the barracks herself?—Yes.

Wasn't the prisoner's wife with her at the place?—She was with her until she went to Fairhill.

She did not know one of the men she saw there at all?—She did not, one.

And why didn't she go to the barracks up in her own place, next door to her?—They did not bring her to it.

Mr. Justice O'BRIEN.—Who was it took her to the barracks at Clonbur?—The sergeant at Cloughbrack.

What is his name?—She doesn't know who it is.

Mr. *Teeling*.—She was taken by that constable to the barracks at Clonbur?—She was taken by him.

Mr. *Murphy*.—Ask her why was she at Clonbur with the prisoner's wife?—Two police brought her there.

To Cloughbrack?—To Cloughbrack, and from that to Clonbur.

Didn't she tell me she went with the prisoner's wife to Clonbur?—She did not tell you, she left Bahaun with her.

Where did she meet her?—At her own house; at the prisoner's father's house.

And they went together to Clonbur?—Yes, from Tom Higgins's wife's father's house.

Did they go from that together to Clonbur?—Yes, from Tom Higgins's wife's father's house.

Did they go from that together to Clonbur?—Yes, she says so.

Mr. Justice O'BRIEN.—Who was with her when she went from her own house to prisoner's wife's father?—No one but herself.

And they took her to the prisoner's wife's father's house. What business had she there?—The police brought her from Bahaun.

Do I understand her to say that the police accompanied her from her own house to the prisoner's wife's father's house?—They were not, but they were behind her.

A *Juror*, Mr. Russell.—Did the police ask her to go to Clonbur?—They did, sir.

Mr. Justice O'BRIEN.—What was it took her to the prisoner's wife's father's house—the police did not tell her to go there?—No, they did not ask her to go there, but she went herself there, so as not to be alone with the police.

And was it arranged she should meet there the prisoner's wife—how was it she came to meet at the prisoner's wife's father's house the prisoner's wife?—She went in and called to her to accompany her to the police, as the prisoner's wife had business at Clonbur.

How did she know the prisoner's wife had business at Clonbur?—As she met her on the breen and she told her, and she went into the house and told witness to wait for her.

Who met her on the breen?—The prisoner's wife.

Prisoner's wife?—Yes, on the way.

And she told her that she had business at Clonbur, and to wait for her?—Yes.

Did she tell her what was taking her to Clonbur at that time?—She did not, my lord.

Did she tell the prisoner's wife what business was taking her to Clonbur?—She did not, but she said the police were taking her to Clonbur.

She told the prisoner's wife that?—Yes.

Mr. *Teeling*.—Were the police with her at that time?—They were not with her then.

How soon after that were they behind her?—They were a good while behind her. They were not in her view at all.

A *Juror*, Mr. Russell.—I have not yet learned whether she was in charge of the police. It may be my obtuseness.

Mr. *Murphy*.—She says they were not in view of her at all.

To *Witness*.—Did she and the prisoner's wife go back to Clonbur?—The witness and prisoner's wife went back to Clonbur, the police a little behind them.

How far behind them?—Sometimes a little before, and sometimes a little behind.

Mr. *Teeling*.—Was that the whole way?—Yes.

A *Juror*.—Did the police ever speak to her on the way?—No, they did not, but they were sometimes with them. They said, they did not know Irish to her.

Mr. *Murphy*.—Were not the police going to the fair, ask her?—They were not.

Mr. Justice O'BRIEN.—Solicitor-General; will you ask her what was the occasion that took her to Clonbur?

Solicitor-General.—We have no account of it whatever, except her own statement.

Mr. Justice O'BRIEN.—It was of her own motion she went there.

Mr. *Murphy*.—Altogether of her own motion.

Mr. Justice O'BRIEN.—Ask her, on the virtue of her oath, had she any business that compelled her to go there, or to the police barrack?—The police compelled her to go into Clonbur barrack with them.

But before she got to Clonbur, did any of the police tell her she was required to go there to make any statement?—The sergeant at Cloughbrack came out of Cloughbrack barrack, told her they should go to Fairhill with her.

Mr. *Murphy*.—He did not know Irish?—He did not know Irish.

Was that the first time he told her she should go to Clonbur?—She says that was the first time she went to Clonbur.

That was the first time she heard she had to go there?—Yes.

Mr. Justice O'BRIEN.—Before she left her own house that day. Before she went to the prisoner's wife's father's house, had the police told her that she was required to go to Clonbur; ask her that distinctly?—They told her she should go to Cloughbrack.

In her own house?—No, my lord, but they sent for her from the barrack at Bauhaun.

Who came from Cloughbrack?—

Mr. *Murphy*.—She does not know him?—She does.

Mr. Justice O'BRIEN.—What was his name?—Tom Doherty.

What was the message he gave her?—He sent the son of the barrack servant to her, and this little boy told her that one of the police from Cloughbrack required her at Bauhaun barrack.

Did she go there?—Yes.

Whom did she see there?—She saw the police there.

Was it before or after that she went to the prisoner's wife's father's house, and saw the prisoner's wife?—After.

It was after she went to the prisoner's wife's father's house?—Yes.

To Mr. *Murphy*.—And it was after that she went with the prisoner's wife.

Mr. Justice O'BRIEN.—When she went to Bauhaun barrack, and was told she was wanted to go to Cloughbrack, why did she go to the prisoner's wife's father's house, instead of going to Cloughbrack?—She met her on the breen. She told her to wait for her.

Who told the prisoner's wife to wait for her?—She told the witness to wait for her.

And then did she go to the prisoner's wife's father's house?—She went into the house of the prisoner's wife's father, and remained there.

Was that at Cloughbrack?—At a place called Drummim.

And was it from that that she went to Cloughbrack barrack?—It was.

And did the prisoner's wife go with her?—Yes, my lord, and the witness went from Cloughbrack, and the police said to the prisoner's wife "Go out," they did not wait her at all.

And did the prisoner's wife remain outside until she came out?—She did, my lord.

And she walked in with her to Clonbur the whole way?—She says there were three altogether. There was another man with the two of them.

Who was the man?—Martin Coyne

What was the distance—three or four miles, was it not?—She says four miles.

With whom did she go home that evening from Clonbur?—Michael Murroe.

Anyone else?—Tom Higgins's wife.

Anyone else?—That was all.

Mr. Adams.—Would your lordship ask her did she make a statement to the police at Clonbur?

Mr. Justice O'BRIEN.—Ask her yourself.

Mr. Adams.—Did you make a statement to the police that day in Clonbur in the barrack?—She did.

Was that the same story you told to-day?—

Mr. Murphy.—Better answer that.

Mr. Justice O'BRIEN.—Have you finished your evidence, Mr. Adams.

Mr. Adams.—Yes, my lord.

Constable Matthew Ruddan, sworn, and examined by the SOLICITOR-GENERAL.

When did you come to Cloughbrack, or the neighbourhood?—I went to be stationed at Cloughbrack on the 9th of January last.

Are you there up to the present?—Yes.

Have you been at the barrack in Cloughbrack?—Yes; it is a hut.

Is that what is called Bauhaun?—No, it is another district.

How far is Bauhaun from Cloughbrack?—It is something about two miles.

Do you know that girl that was examined here last?—Yes.

Do you know where she lives?—Yes.

How far is that from the barracks?—Two short miles.

Have you been in the habit of seeing her very frequently?—Yes, sir.

We have heard from the evidence it is next door from the Bauhaun hut?—Yes.

Have you ever had any business with the girl. Did she bring anything to sell?—I bought socks from her on one occasion.

Do you know her perfectly well?—Perfectly well.

Do you recollect going to her father's house in the month of October last?—Yes.

What day of the month was it?—I cannot say now.

I believe as a matter of fact it was on the 18th. Is that your handwriting?—Hands witness document?—Yes, it is.

Did you write that at the time?—Yes, sir, I wrote it that night.

Are you able to say from that what the date was—what was the date?—The date was the 18th of October.

Who was with you on the 18th of October, when you went to her father's house?—Sub-Constable John FitzGerald.

Did you say anything, or do anything to frighten her?—Nothing whatever.

Was she frightened in any way?—Not a bit.

Did she make a statement to you?—She did.

She has told us herself what it was. What was it?—I asked her where she was, on the day the Huddys were murdered. She told me she was at home all that day. I asked her through an interpreter.

Who was the interpreter?—The sub-constable who was with me.

Mr. Teeling.—I object to this, unless the interpreter is here.

The Solicitor-General.—Quite right. I am yielding at once to what you say; the interpreter should be produced.

To Witness.—Was there anything different in your dress that day, from the uniform she had been in—the habit of seeing?—Nothing whatever.

Was there anything held out to frighten her, or intimidate her in any way?—Nothing whatever.

Did she seem to be frightened in the slightest degree?—Not in the least; she seemed to be friendly as usual.

Mr. Justice O'BRIEN.—What time was the transaction about the socks?—In the summer before. I had been in the house before that, and though I don't speak Irish, we understood each other very well.

Mr. Justice O'BRIEN.—You could understand each other about the price?—And upon some other matters too.

The Solicitor-General.—You used to greet each other in a friendly way whenever you met on the road?—Always.

Who were in the house besides?—Her father and mother were there.

Was it in the room or kitchen?—In the kitchen.

Were they there at the time you were speaking to her?—Yes, sir. I asked them what they had to say on the subject, before I asked her in their presence. She made the statement in Irish, whatever it was.

A Juror (Mr. Russell).—Do you find that the people in that locality are afraid of the police.

Mr. *Teeling*.—I am afraid that is not a legal question.

Mr. *Murphy*.—I believe it is *vice versa*.

Mr. *Teeling*, to witness.—Fitzgerald was with you, and you were both in uniform?—Yes.

And you went there to inquire about this case?—Yes.

You conveyed to her it was about this case?—I conveyed it to her by asking her a question.

But what time of day was it?—I think it was about twelve o'clock.

Of course, a good many arrests had been made before this day?—Yes, sir.

And I suppose a good many other people were in apprehension of arrest when they saw the police coming to ask about this?—There may have been, as far as I know.

And do you think that a girl is less likely to be in fear than an ordinary person of the district?

Mr. Justice O'BRIEN.—You need not answer that at all; it is not evidence.

Solicitor-General.—Was there anybody under arrest at all except three prisoners?—None, sir.

Was the prisoner here under arrest at the time?—He was.

Sub-constable *John Fitzgerald*, sworn, and examined by Mr. MURPHY, Q.C.

Had you been stationed at Bauhann hut?—Yes.

For about how many months?—For three weeks.

Did you know that girl, Sarah Laffey?—Yes.

Her house is near you?—Yes, about 200, or 250 yards off the barrack.

You speak Irish?—Yes.

Were you with Sergeant Ruddan on the day he was asking her where she was?—Yes.

Did she appear to be in the least frightened?—No; she appeared to be cool on the occasion.

Her father and mother were present?—Yes.

Was anything done to frighten her, or any threat uttered?—No, sir.

Were you there when she was examined?—Yes, sir.

Mr. Justice O'BRIEN.—The statement has not been proved by witness, or Ruddan, what she did say.

Mr. *Murphy*.—Do you recollect what you did ask her?—Yes.

What did you ask her?—I asked her whether she was at home the day the Huddys were murdered, and she stated she was.

Do you recollect asking her whether she saw anything?—I asked her whether she saw any of the prisoners arraigned for the murder at that time, and she said she did not. She was at home minding her business.

Her father and mother were present?—Yes.

And she knew the prisoner was in custody at the time?—Yes.

Mr. Justice O'BRIEN.—She did not see the prisoner, Thomas Higgins, on that day?—She stated that.

Mr. *Teeling*.—And I believe she saw them this October at the police barrack, and in December—the present month?—I could not say.

You may not have been present?—I was not stationed there. I cannot say.

You cannot say whether she was there in December and recently?—I cannot.

And she was very cool, as you say?—Yes.

Have you ever known a person look very cool who was perhaps trembling in his shoes at the time?

Mr. Justice O'BRIEN.—You need not answer that. These are not legal questions at all, Mr. *Teeling*, and you know very well it is not legal.

Mr. *Teeling*.—On cross-examination?

Mr. Justice O'BRIEN.—No question is legal on cross-examination that is not legal otherwise. To ask a person whether they are cool when they are trembling in their shoes.

Mr. *Teeling*.—I know people who appear very cool, and who are far from cool. I have been so myself before now.

Mr. Justice O'BRIEN.—That is a matter of observation, and you may make it, but it is for another object entirely.

Any other witness, Mr. *Solicitor*.

The *Solicitor-General*.—No.

A *Juror*.—We have in evidence about the arrests, they were made on Tuesday night. Could we know at what hour.

Mr. Justice O'BRIEN.—Could Mr. Brady give us any information?

Mr. *Brady*, R.M.—I was present at Cloughbrack, when they were arrested, afterwards.

Mr. Justice O'BRIEN.—Is there any person present, who was at the first arrest.

Constable *Fitzgerald*.—I believe there were ten arrests on Tuesday night or Wednesday morning.

Mr. Justice O'BRIEN.—Thirteen were stated yesterday to be the number of arrests.

Constable *Fitzgerald*.—Yes, but there was a person who was discharged afterwards. I could not exactly say the number. I know they were something about ten or twelve.

A *Juror*.—On Tuesday?—Yes, on Tuesday or Wednesday morning.

When was the prisoner arrested?—In the latter end of January.

I thought you stated he was arrested early in January?—No, it was the latter end of January.

Mr. *Teeling*.—Was it in the end of January?—Towards the end of January.

Not until then?—No, not as far as my recollection serves me.

A *Juror*, Mr. Russell.—How long was he kept in jail?—He has been in jail up to the 22nd I think; up to the 21st or 22nd of December last.

Was he arrested as a suspect?—He was arrested, first on the charge of the murder, afterwards discharged, and re-arrested as a suspect.

Mr. Justice O'BRIEN.—The same way as Higgins was?—Yes.]

Mr. *Russell*.—And Kerrigan?—Yes.

Was he rearrested on the second occasion on the charge of murder the same as Kerrigan?—No, prisoner was not; Kerrigan was rearrested a second time on the charge of murder. He was discharged on Friday, and rearrested on Monday morning. There were police in charge of him during his discharge from jail, until he was arrested again. There were thirteen arrested on Tuesday evening and Wednesday morning. He was one of those arrested at the end of January.

Tuesday the three, and Wednesday the four, there were thirteen arrested. Was he one of these thirteen?—Yes, he was.

Was he amongst the first lot?—Yes, he was.

Mr. Justice O'BRIEN.—Then it was on the 3rd or 4th of January he was arrested?—There were three or four batches arrested. He was among the second batch; he was among the third batch; that was the twelve or thirteen.

Do you say he was not arrested until the end of January?—Yes.

And what do you mean by saying that on the Tuesday or Wednesday morning the prisoner was arrested with the other prisoners?—I do not understand it. He was not one of those arrested on the day following the murder.

A *Juror*.—There were thirteen arrested on the Tuesday of the murder and the day after it?—No.

How many were arrested on the Tuesday and the Wednesday?—Kerrigan was arrested on the night of Tuesday.

Mr. *Murphy*.—How many were arrested on Tuesday?—Kerrigan only.

And on the following day?—Another party was arrested.

Mr. Justice O'BRIEN.—Didn't you say that on Tuesday and Wednesday ten or twelve were arrested?—I didn't understand.

Mr. *Murphy*.—He meant that in all [there were twelve or thirteen arrested, in three batches. It was all in January.

A *Juror*.—How many were arrested on Tuesday and Wednesday?—I do not recollect arresting anyone; but there were arrests I was not present at.

In which of the batches was the prisoner arrested, the first, the second, or the third?—The third.

The last lot?—Yes.

That was at the end of January?—Yes.

Mr. *Teeling*.—You had charge of the investigation of the murder, at least you were assisting?—Yes.

On what day was it after the 3rd of January that the police came in to make inquiries as to what had become of the Huddys?—I was there that 3rd of January.

That same evening?—Yes,

Did you talk to the other police who came in to investigate the matter?—There came a large number; there were police arriving daily for a week or so afterwards.

Did some of them come on the Wednesday?—The loss of the bodies was on Tuesday; there was a party in search on Wednesday.

Then you were reinforced on Wednesday night?—I could not say Wednesday, but I know they came immediately after.

At that time how far were you stationed from the residence of the Kerrigans?—About four miles.

Do you remember what time on the 3rd of January you came into Cloughbrack?—I arrived about half-past four o'clock in the evening, and when I got to Kerrigan's it must have been after five o'clock. The night was then fallen. It was actually dark when I got there.

And then you set about making inquiries?—Yes.

And then upon the next day the police came in to reinforce you?—Yes.

The *Solicitor-General*.—Just for a minute—how many of you were there making inquiry upon the evening of the 3rd of January—the evening of the murder?—There were three at first, and afterwards my officer and more men came.

On same evening?—Late that night.

Now, where did you begin your inquiries?—I began them from where I got information first—from Clonbur.

Don't mind the information you got—but you began your inquiries where?—From Clonbur, sir.

And did you make inquiries the whole way along the road from Clonbur?—Yes, in Lower Cloughbrack.

And in Upper Cloughbrack?—I don't know exactly the difference. That district is called Cloughbrack.

Mr. Justice O'BRIEN.—From Clonbur up to Macken's?—Yes.

The *Solicitor-General*.—And at most of the houses?—Yes.

Did you go into the house of any person?—Yes, all along there.

And were there other police engaged in the same manner?—Yes.

All inquiring about this murder?—Yes.

And when was Kerrigan arrested?—In the evening, between five and six o'clock, I think.

And were you engaged scouring the country from that until next morning?—Yes.

Where was Kerrigan taken to?—He was taken to Clonbur.

When?—Directly it came about daylight next morning.

And were you busy the whole of the next morning pursuing your inquiries?—Yes, all that night and the next morning.

Mr. *Adams*.—May it please your lordship, and gentlemen of the jury, it becomes my duty to address you somewhat briefly, as I intend to do, on this very important case. Gentlemen of the jury, Mr. Teeling in opening the case told you, what my lord will tell you—what counsel for the Crown has told you—and what I now tell you, that you are as far as possible to discard from your minds every recollection that previous proceedings in connection with this case have taken place—that they have been going on in court during the entire of this week—and that you are to try this case as if it stood by itself—as if this man was being tried by himself, and as if, in fact, or as far as can be, you heard for the first time of this case when called to that box. But of course it would be a sort of affectation, as my friend said, to imagine that anyone could perform that extraordinary menial feat of banishing out of the chamber of memory and understanding, all that you have heard or all that you have read, because of course, with the great publicity that is now given to proceedings in cases that attract public interest, it makes little difference whether a man sits down in court and hears all that goes on, or sits at home and reads one of those remarkable and graphic reports that are published of this trial. But I, for one, representing the prisoner, plainly say that the prisoner is uninjured by the fact that this is the third time an inquiry has been held within the present week, in which evidence was given bearing on the murder of the Huddys, for that the Huddys were murdered is the common case of the prisoner and the Crown. I will tell you why I don't regret it, gentlemen. If the Crown case was a coherent and rational one, as represented by Crown counsel—if the Crown witnesses were the blameless, innocent, and unimpeachable persons that they were trumpeted forth by the Crown counsel on every occasion to be, why then the oftener the case would be tried, the worse for the prisoner at the bar, because a true story, a rational story, gains in weight and gains in coherence every time that it is told—every time that a false witness comes upon the table—a little bit now—much one time—less another, and a little more at another; and the edifice which falsehood had built up, crumbles away. And I will point out to you that in this trial, we have for the first time discovered facts of enormous importance—we have for the first time received elaborate accounts from the Crown witnesses that tend to make this story one of the most incredible ever told in a court of justice. I represent here, gentlemen, this man, Tom Higgins [Tom], and I ask for him at your hands only justice, but I ask this also that when you retire to consider your verdict you will in the first place give full weight to one fact, which only transpired at the close of this inquiry, and which yet has, I think, enormous bearing upon this case. The Huddys were murdered on the 3rd of January. He [pointing to the prisoner] is an intelligent man. If the story against him was true, from the 3rd of January out, his life was hanging by a thread, for five or six persons had evidence enough to send him to the gallows, and he would have known that sooner or later, if he did know that such a state of things existed—he would have known that sooner or later murder would out. But, gentlemen, you have heard that although batch after batch was taken out of the village of Cloughbrack—the first thing the Crown and police

do, with that unerring instinct they have shown from the beginning, is to take, as the first prisoner, Matthias Kerrigan the Crown witness—batch after batch were taken out of Cloughbrack—a first batch, a second, and a third batch. The murder was committed on the 3rd of January. That man [the prisoner] was not arrested till the end of the month, so he had at least three weeks, during which time he could have fled from this country and buried himself in America, or some where, and remained there in perfect safety. So it is one of the curious facts of this case that Matthias Kerrigan had no such chance. Twelve hours did not pass from the time the police came to Cloughbrack when Matthias Kerrigan was a prisoner. But here is this man [the prisoner] who, according to the Crown case, was guilty of this crime—who knew there were six persons saw that foul crime perpetrated, and saw the perpetrators employed in the task of disposing of their bodies—who knew that the police were daily employed in arresting persons charged with this crime, and yet, relying on the consciousness of innocence, he stood his ground and never moved an inch even when others were arrested. That is, indeed, a fact, gentlemen, no jury can venture to discard, I say, when you retire to consider this case. Gentlemen, in many cases a prisoner comes here and he says—and it is the law of England—I offer no evidence—I call no witnesses—it is the duty of the Crown to prove its case. I say the case has not been proved, and I stand upon that. The prisoner here has acted otherwise. His witnesses are only two in number—his witnesses could be only two in number. In his house that morning—if this story is true, and I say it is—if the story is true, there was no one but the prisoner, the prisoner's wife, his infant child, about twelve months old, and these two women. The prisoner can't, of course, as you well know, give any account of the transaction himself. His lips are sealed by the law. The prisoner's wife is by the same law put to silence. She cannot testify for her husband in a criminal trial. The only two persons that were in the house upon that day, that could speak, he has called. It is for you to say, do you believe their testimony. If you do the prisoner is entitled to an acquittal, but if you are left in that condition of mind, that you doubt whether or not their testimony is true, then equally of course the prisoner is entitled to the benefit of your doubt, and is entitled to your acquittal. And if, as I said before, as is the law, you are left in that condition of mind that you cannot say, beyond a rational doubt, on which side the balance of truth lies—if you are left in that condition, that you cannot say positively and affirmatively, and disbelieving the prisoner's witnesses, "I do believe the Crown witnesses," Unless you can say that, beyond all reasonable doubt the prisoner is entitled to your verdict of acquittal. Gentlemen, if these two witnesses are telling the truth there is an end to the case. The case for the Crown, of course, as we know now, is that on the morning of Tuesday, about breakfast time—a lateish breakfast time, as it is described by one of the witnesses, and which is about nine o'clock. I presume these two men were murdered opposite the door of Matthias Kerrigan—that their bodies were carried down to the lake—brought out in a boat and disposed of in the way he has described. The whole operation of the murder—the carrying of the bodies to the lake—the rowing out in the boat and afterwards disposing of them, must necessarily have occupied a considerable amount of time. The prisoner's case is this, "I reside about a mile away from Kerrigan's house. I was in my own house that morning. I got up early in the morning in the usual way. I helped in preparing the breakfast. I breakfasted there, and was there at breakfast time. I commencing work after breakfast time I went out and fed the pigs. I went out and brought in potatoes from the heap into my own house, and I was there until dinner-time, and after dinner-time." That is the evidence of these two women. One of them says she saw him going in and out. She saw him in bed in the morning. She saw him get up and help to prepare the breakfast. She saw him feed the pigs. She saw him there as the day wore on, engaged in the operation of bringing in the potatoes, and he was never a quarter of a mile out of her sight that day. Sally Laffey, the other witness, swore he was going in and out of the house until dinner time, so, if you are unable to decide between the truth of these witnesses and the case made for the Crown, the prisoner is entitled to your acquittal. These witnesses it is true are impeached by the eminent Crown counsel, who bring in all their zeal and ability to attack them; but, if these witnesses tell the truth, gentlemen, there is an end of the case. I ask you to weigh every point of their evidence most carefully in order to assist you in forming your verdict. Julia Halloran is the first witness examined. She gave in her original evidence an account which might at first strike people accustomed to middle class households as being rather a curious account of what appeared to be the feminine part played by the prisoner in that humble country cabin. She told you that he washed the potatoes, and put them on. She was pressed and cross-examined. I am sure that when coming on the table it never occurred to her that she would be cross-examined on such a point or not; therefore her answers are important as showing whether she is telling the truth or falsehood—a concocted

story, which is the pretence of the Crown counsel. She says she slept in the house the night before this murder was committed, and did not leave next day till after dinner. "There were only three adults in the house. Tom Higgins (Tom) washed the potatoes and put them on." Then the question is immediately started by Crown counsel—"Why didn't his wife do that work?" Well, gentlemen, you have it in evidence clear and conclusive that she was engaged elsewhere preparing the work of spinning, which was to be carried on during the day, and Tom Higgins (Tom) lent a hand in what is not a usual occupation for a man, but in a household where there was no grown up person—no one there but a child—with his wife on the point of bearing another child at the time—it was not at all wonderful that she did not perform the work, or that her husband should lend a hand in preparing the humble breakfast in that humble home. But all I say is that when Julia Halloran is asked she explained that she did her part in preparing the humble *menage*. She light the fire, and swept the house, and the husband washed the potatoes, and put them down. May I ask you now what imputation of any kind is there upon the testimony of this woman. She told a long, complicated, and laboured story. I saw in the hands of the learned Solicitor-General, gentlemen—no man could close his eyes to what is going on in court—evidently some printed statement of the witness—when she was undergoing cross-examination. It is now plain on the evidence that the police interrogated almost every person connected with this locality who could be supposed to give evidence of any kind. If Julia Halloran, gentlemen, gave evidence then, and if she ventured now to differ by one hair's breath from the evidence she gave before, I ask you to form your own conclusions whether she did or not, and whether she would not be immediately challenged by the learned Solicitor-General from the document in his hand if she did.

MR. JUSTICE O'BRIEN.—On what basis, Mr. Adams, do you make the statement, that the witness gave previous evidence, which is in the hands of the Solicitor-General—what basis do you make that statement upon?

The *Solicitor-General*.—It is a rather unusual line to take.

MR. ADAMS.—Perhaps, I should not have said a word about any document; but I submit that I have a right to say, that every person in the place was interrogated by the police, and that it was the custom of the police to interrogate every one they thought could throw any light on the dreadful occurrence.

MR. JUSTICE O'BRIEN.—Yes, that is right.

MR. ADAMS.—I say, that I have a right to say that, and you will consider that fact, when you retire to consider your verdict—that this woman was interrogated, and that if she differed by one hair's breath from her former statement, she would be assailed in that box. Of course, we all know that witnesses for a prisoner are generally not regarded by Crown counsel—who, of course, have to fight loyally and honestly—with the same favour as Crown witnesses. Julia Halloran was questioned, gentlemen, by the Solicitor-General, in a way that was intended to raise a doubt in your minds of her truthfulness, but I cannot see a single point on which her testimony was shaken, or a single thing that she said that could lead you to say, that the story she told in that box was not true and honest; and if her story be true, Tom Higgins (Tom) was not at the site of the murder. He was in the place he ought to be—in his own house—with his wife and sister, engaged in humble industry, as he is entitled to your acquittal. Remember, it was suggested to you that he might have been at his house, a mile away from the scene of the murder, at a certain hour, and be able to be back by ten o'clock, having struck the fatal blow; but if these woman are telling the truth, is there the shadow of a possibility that he could go a mile away to Kerrigan's house, commit the murder, row the bodies over to the lake and, acting with other parties, dispose of them, and then come back to his own house. If the prisoner at the bar, gentlemen was engaged in that murder, not of minutes or half hours, but of hours, and of course if you believe this woman's story that he was not a quarter of an hour out of their sight, you must come to the conclusion that this man is entitled to your verdict of acquittal. But, gentlemen, Julia Halloran does not stand alone. There is the other girl, Sally Ladley. She is impeached for having told a lie to the police. For example—she was asked by the police, when she first heard of the murder, and she told them on Wednesday. She lived an Irish mile away from the place. I need not tell you, gentlemen, that when a crime is committed, the persons on the watch are the police, and they must have heard at the first moment that the Huddys had not returned, and instantly came to the village, knowing the work the Huddys were at, to look for them. They did not arrive until night-fall. They made no arrest until nine o'clock in the morning. As far as I can discover, on the first occasion they came, there were only

three policemen there. The reinforcement did not arrive till the second day, and certainly I cannot see anything extraordinary in these poor people, accustomed as they are to retire to bed at an early hour, not hearing of the murder till next morning, when their children came in from school and told them about the disappearance of the Huddys. That is natural, gentlemen, and it affords no reason whatever for discrediting her evidence. Upon her evidence there is only one imputation. She told a lie, undoubtedly, to the police. Gentlemen, if you believe that telling a lie to the police is a reason for discrediting a witness who comes upon that table for the prisoner, what credence are you to give to witnesses for the Crown? For it is as plain as anything can be, that they told mountains of lies, and especially in their statements here, for fear of the police. When they were questioned about this murder, they fiercely denied knowing anything about what they now swear they saw and were present at; they told oceans of lies to the police, gentlemen; and that includes the unimpeachable Crown witness, Mannion, who I will deal with in a moment. We have all heard, gentlemen, of the rugged mountains and the wretched homesteads of these unfortunate people, but I must certainly say that truth does not appear to be a plant that grows on the mountains of Clonbur, and the witnesses honestly told you that they did not tell the police one word of truth during the nine months—that they told them all they could invent—and to say now that Sally Laffey is unworthy of belief, because she told the police a similar lie when they interrogated her about it, is asking you as reasonable and sensible men to believe a little too much. We can all well understand, gentlemen, the state of fear these people lived in—daily apprehensive of being arrested themselves—and the red sergeant, you may take it, to whom she used to go to the barracks to sell her stockings, was quite a different person when he came to her father's cabin to interrogate the people there. They knew a whole host of people were in jail for this murder, and were anxious to say what everyone else said—that they knew nothing about the murder of the Huddys—fearing that the police would jump to the very natural conclusion, if they said they knew anything about the murder, or brought themselves in company with anyone charged with it, that they were on the right track, and would walk them off to jail. The police came to pump her, but it is a remarkable fact that upon some occasion afterwards when they were making anxious inquiry in all directions to try and obtain statements as far as they could and to throw light on this matter—I don't blame them for doing so—the Bohau police tell her to go to Clonbur and hand her over to the police there—not in custody—but as coming on their invitation. Gentlemen, if you were down in that part of the country where such stringent laws prevail, you could well understand how these poor people regard the orders of the police in the light of a command. Well, she was brought from Cloughbrack to Clonbur, and she told her story there. We know Sally Laffey told either a true story or a false one. If the story she told there and the story she told at Clonbur were the same story, it is the strongest possible evidence that the story she tells now is the true one, for people who tell lies and concoct stories, I need not tell you when they tell them at intervals of two or three months, as in this case, are apt to have material discrepancies between them if the story they tell is not a true one. If the story Sally Laffey told in Clonbur was a lie and the story she tells here was a lie, there would be a dozen discrepancies between the two stories. She would have forgotten all the smaller details of the Clonbur story, and instead of that other she would have told a different one here. She would have given different reasons, mentioned different hours. Every man with experience in criminal courts knows that when once a witness lies he would tell a dozen of lies on different occasions, but she is put in that box and she tells you that Constable Tom Doherty told her to march to Clonbur and make her statement. Can you doubt she made that statement. If she did, it would be in the hands of the Crown, and it would be there to cross-examine her from and show the discrepancies, if she was telling lies, between the two stories. Nothing of the kind was done. I ask you to say why it was not? Because she told the same story in the barracks at Clonbur which she told here to-day on the table, and because she could not be broken down, and because she told the true story on both occasions.

Now, gentlemen of the jury, as I have said, if you come to the conclusion that the story of this woman is true, or if in gravely considering the matter, you are unable to say whether it is true or false, you are entitled, you are bound I submit to acquit the prisoner, their story being entirely incompatible with any theory of his guilt. If he was at his own house that day, going in and out that day until after dinner-time, it is plain as that the sun rose this morning that he was not in Mat Kerrigan's house committing the murder, and the circumstances of that murder showing that there was a great amount of time consumed therein. Now, gentlemen of the jury, if I don't labour at any length on the weaknesses and deficiencies of the Crown case, it is, of course, for the reason that it has been already done in such detail, but, certainly, not

in unnecessary detail, and with such great force and ability by my learned colleague, the advantage of whose assistance I have enjoyed in this case. And, gentlemen, let me say, it may appear irksome to jurors to have laboured these details, but no other course is open to counsel for the prisoner. I have endeavoured to pass over them as rapidly as I can, and I am sure you will say that any barrister, who for the sake of avoiding the tedium of going over facts, over and over again, would omit any point in favour of the man on trial for his life, is sadly neglecting his duty. You have heard already from my learned friend what I pointed out to you, the extraordinary character of the story told here for the Crown, a story, which, I say, has in no way gained by repetition. One thing, at least, is plain. This case differs entirely, it is perfectly different from the ordinary case of evidence given by innocent persons of a murder having been committed. Here it is given, and, gentlemen, it cannot be repeated to you too often, you ought never forget it in making up your minds, in a case of this kind, that every tittle of evidence bearing against this man is given by two men, and by the family of one of them, it is given by three witnesses, one of whom is a person who always rested under the most tremendous suspicion, that is Mat Kerrigan, the man who was arrested on the very night the police came into Cloughbrack, and the man whom they held in iron grasp for nine months afterwards until he came forward to purchase his safety by denouncing an innocent man. His evidence then is sought to be borne out by his son Matthias. The son has a tremendous interest, that of trying to save his father, and he has, as you have been told, the even more tremendous interest in the case which also applies to Pat Mannion, I mean trying to save themselves. They both admit they bore this body down to the shore or towards the shore of Lough Mask. Gentlemen, if, when a murder is committed, any man acting of his own free will assists the murderers in making away with the evidence of their guilt, that man is accessory after the fact liable to penal servitude for life. These country people, especially in that district, the theatre of so many deplorable crimes, knew as well what the law is on these subjects as the most learned lawyer at the bar, and that one who bore the body down towards the shore of Lough Mask knew that when the police were beginning to discover the truth of the story the only way in which they could save themselves from penal servitude for life was by endeavouring to fasten on some other person the onus of compelling them to bear it, and then they turn round after nine months of silence and say, "Oh, yes, we bore the bodies towards Lough Mask, that is true, but it was Tom Higgins (Tom) that made him do it." It is not necessary for you to believe that they had any spite or ill-feeling towards the man at the bar—self-preservation is the first law of nature. These two men were, according to their own confession, accessories after the fact, if there had been no confession, and it was necessary when old Mat Kerrigan began to try and purchase his life by spinning stories, it was necessary for them to show that if they were concerned in the act, it was done under compulsion. Both of them detail almost exactly the same story, the same nature of the threats used towards them by the same person, almost exactly the same story. Remarkable coincidence between the two, both of them coming to say it was through compulsion they had to carry the body down. You heard the remarks of my learned leader on Pat Mannion. When you retire to your box you will have to consider whether it is like the other true story. He saw the people coming down the lane with a bag, he pointed out the house where he stood, he stated how they put the bag upon his back, and when they were hoisting the bag upon his back he saw the feet of a corpse protruding from it; and you are, gentlemen, asked to believe that he never uttered an expression of horror, never asked who was the dead man in the bag. Now, I suppose, there never was such a story told. "I never knew," he says, "the Huddys were coming into the village; I never heard they were murdered. I knew nothing whatever about it." He is stopped, he says, by two individuals on the breen; the bag is put on his back, and when it is being hoisted on his back he sees the feet of a dead man sticking out of it. It might be his own son or brother for all he knew; yet he says, "I never asked who was in the bag." Isn't that a likely story? If it was a story penned by the wildest of lady novelists, and that you happened to read it, wouldn't you throw down the book with horror, and say the thing was absurd? Mannion is a man of considerable intelligence. Put any man made of the stuff men are made of in his place, meeting two individuals in the breen; a sack is put upon his back without remonstrance; he looks round and sees the two shoes peeping out, and he knows that a dead man is in the sack; he does not know of any murder, he does not suspect any murder, and proceeds to carry it down towards the lake, and he doesn't know, he says, who is in the sack. That is the story he swears to in the most solemn manner yesterday; and I say to you, if you found such a story in the pages of romance, wouldn't you toss the book away from you, and say it was an utter improbability, and ridiculous. Young Matthias tells us a somewhat similar story, and the wife tells a different story. She begins

to scrape away the blood without a word being said. If you put Thomas Higgins [Tom] out of it altogether, you have here the whole *dramatis personæ*—you have old Kerrigan being served with a copy of the civil bill, for the original was found with old Huddy. There is no evidence that the prisoner owed a penny rent, or that there was a civil bill against him. There is no evidence that there was a quarrel between him and Huddy; he was living a mile away. But you have old Kerrigan knowing that the Huddys are coming; you have people killed at his door; you have his wife scraping away the blood instantler; you have his son carrying his body down to the lake, and Mannion, his friend, for he says he knew him a long time, carrying the body the rest of the way, receiving the bag from Mat Kerrigan; and there was practically no one else, Mat Kerrigan having carried it part of the way, and Mannion another part. I believe there is not one word of truth about the presence of Tom Higgins [Tom]; that being introduced for the purpose of making them accessories after the act, liable to penal servitude for life, two innocent men, acting under terror, whatever the terror was, of which he will give no coherent idea. Every part of the Crown case is most extraordinary when you look at it. You would imagine that here, at breakfast-time, all the Kerrigan family would be in or about their house; but, most remarkable to say, every one of them is abroad on the scene of the occurrence, except young Matthias, whom we find immediately after. All are out here in the street, so as to be able to say that they saw the Huddys coming up, the old man is brought to the farm door. The young lad swore at one time that he was in the house when the shots were fired, and the Interpreter who was at Galway, could have been produced with reference to that. The wife is out throwing water upon the potatoes, and if she was out there where she says, she would not be able to look along the boreen. Unless the people in the street were watching they could not see the people coming along the boreen. You see what an unlikely thing it would be unless people were watching to see people coming along the boreen that they could have seen anything that would be invisible over most part of the street. It is a remarkable thing that the bullet mark is found down near ten yards from the end of Kerrigan's house. Now a revolver bullet carries but a very short distance, and if that bullet was fired down there in the boreen, ten yards off, that is a long distance from the end of Kerrigan's house (pointing to the model), there is an end to Kerrigan's story. For it would be plain then that Huddy must have been killed some where here (pointing to model). They could not have seen him, because between the point of the boreen and this place there would be a house, and a woman throwing out water could not see him. It is only one of the improbabilities and one of the difficulties of the case. It is a most curious thing, I submit, that the whole Kerrigan family is abroad out there to see the Huddys whom they did not expect at all coming along the road. You have heard the deposition made by young Martin Kerrigan. You are yourselves to say whether you regard his statement now as one you can act upon in the face of his deposition. Now, he swears in the most solemn manner, that from beginning to end of this transaction, from the time the stone was thrown until the last moment of the transaction, he was out there looking with his own eyes at the whole thing. He was examined in Galway. He said, "I am son of Matthias Kerrigan of Clonghbrack. I was at my father's house the day the men were killed in the boreen I heard shots"—not that he saw any man strike with a stone, not that he saw any man fling with a stone, not that he saw the Huddys coming along, not that he saw anyone following them, but that "I heard shots. I was in the house and went out of the door. I was then in the house and went out to the door." And he goes on to describe how he saw two corpses lying down. Now, gentlemen, that is not a matter of detail, that is not a matter about which the person could be mistaken—that Martin Kerrigan saw the murder committed or he did not. If he saw the crime committed he swore falsely in Galway when he said he was in the house when he heard the shots, if, on the other hand, he did not see the crime committed he swore truly in Galway and falsely here. I ask you, gentlemen, how can you act on such testimony as that. Well, gentlemen, you are asked to say the testimony given for the prisoner will, of course, be open to the same observation, the same heavy observation if you like, but I ask you to say that Mrs. Halloran has left the box untouched by any cross-examination, and I will ask you to say the same thing as regards Sally Laffey. I ask you to believe and to say that, at all events, it raises the serious doubt as to which story is true. I say if the Crown produced a number of persons confessedly innocent that would be, no doubt, a tremendous thing against the prisoner, but I say you cannot with safety send this man to the gallows upon the testimony of a man like old Mat Kerrigan, who knew the Huddys were coming, who knew they had a civil bill against him, who was, as I say, served with the civil bill, who was at one o'clock that night arrested by the police, the police having afterwards the strongest belief in his guilt. You cannot act on the testimony of his wife, nor the testi-

mony of his sons coming forward to save their father and help him to preserve his liberty and save his life. The case against him is tremendous if he did not explain it away, and he would be now standing in the dock if he did not explain it away. The circumstantial evidence against him is enormous. Neither do I say should you act on the testimony of Mannion, who comes forward to save himself from penal servitude for life, by stating that he was compelled to carry the body. I say you cannot act on the testimony of young Mannion, who has told a deliberate falsehood, and an utterly contradictory story on two different occasions. I am sure that you will give to these facts a due consideration, that you will give to them the most solemn consideration, and, gentlemen, that you will not too lightly make up your minds upon any demands that may be made to you by the Crown to send this poor man to the gallows and, perhaps, afterwards discover that he was innocent of the crime charged against him.

The Solicitor-General.—Gentlemen of the jury, it is now my duty at the close of this case, to present to you those views which occurred to my mind as being proper for your consideration in reference to the verdict which you are empanelled to pronounce, and I may say that it is a great satisfaction to myself and to my learned friend who is with me, and I have no doubt that you share it, that the prisoner has had the benefit of the services of my learned friends, who have done for him and for his case all that it is possible for zeal, eloquence, and ingenuity to do. But, gentlemen, your verdict is to be pronounced, not upon speeches, but upon the evidence, and I shall endeavour now to recall your attention to the salient points of that evidence, asking you to decide upon that and upon that only. In one of the observations which has been urged upon you more than once by my learned friends, the counsel for the prisoner, I certainly concur, that is, that this case must be decided like every other case, upon the evidence given here in this court. I ask you to infer nothing against the prisoner, in consequence of what has occurred upon the previous trial upon the same indictment. You are not at liberty, of course, in this case to apply, in reference to the other trial, any presumption of innocence on the part of the man that has been tried, any such presumption is out of the case. But on the other hand, you are not bound by what has taken place, and you are to try this case as if it was presented to you for the first time, to be decided upon the evidence given upon the table here before you. It is necessary to bear that in mind in this case, and I am sure that without any observations from us that that would have been the course you would have felt yourselves bound to take. Gentlemen, there are a number of plain and broad facts in this case which cannot be questioned, and which appear to me to be of awful importance as bearing upon the charge against the prisoner. The nature of this crime itself, the circumstances under which it was committed point indisputably to the fact that several persons, of whom at least two must have been armed men, took part in it. It is inconceivable if the Kerrigans had been all that the counsel for the prisoner has alleged they are, that they could have perpetrated this murder alone. The murder was perpetrated by a number of persons sufficiently large to commit the crime, to absolutely secure them from attack or from exposure, and to dispose with a rapidity and despatch all the bodies of their victims, sufficiently numerous to have made preparation beforehand for that disposition, and to have carried out, in a country not deserted, but tolerably thickly inhabited, a crime in broad daylight, which, if they had not been prepared for all emergencies, might have involved their own life at the very moment. It is plain, absolutely plain, that the men who committed that crime not only were able to carry it through but felt themselves, through local circumstances, and from their own position, absolutely safe and free from attack. Gentlemen, the circumstance of there being seven revolver bullets fired in rapid succession, with apparently no time allowed between, because even loading a revolver is an operation which requires some little time to get ready cartridges, demonstrates that there must have been at least two revolvers there—there may have been more, but there must have been at least two. It is no easy matter to dispose of a dead body. If we had not even the evidence in this case as to what occurred in the carriage of at least one of these bodies, everybody who has taken part in a funeral, as many of us have done, knows that the carrying of a dead body is no easy matter. The circumstances of the transaction itself, that it was done about breakfast time, when all the people inhabiting this house were at home, prove what I have already said, that those who were concerned in it counted upon absolute immunity, notwithstanding the presence of others there, from which I would ask you to infer that they counted upon a system of terrorism in which they felt themselves absolutely safe. Now, the suggestion on the part of the prisoner, put forward from beginning to end of this case, is, so far as I gather it, one and one only, and it is that Matthias Kerrigan and one of his

sons perpetrated this crime themselves, and disposed of these two bodies, because no suggestion has been made to you of the presence of any other human being except Kerrigan in reference to those at this place in the disposal of the body for a great portion of the distance. It is said Mannion probably was actually concerned, and that Mannion being concerned he must also be assumed to have been himself a participant not of the crime but in the concealment of it subsequently. Therefore, the case you are asked to find about the prisoner, so far as the evidence is concerned, is twofold. First, you are asked to believe the two witnesses whom he produced as demonstrating that he could not have committed the crime because he was away from the place, and, secondly, you are asked to believe and to assume in his favour, without a shadow of proof, that four persons, the Kerrigans, are guilty of wilful murder; that Mannion is guilty also of being accessory to murder after the fact; and that they, one and all, are guilty of wilful and corrupt perjury here in court, for the purpose of swearing away the life of an innocent man. Now, that is an appalling state of facts to present to you. It is a state of facts which conceivably might be true—conceivably; there might be human beings of such a character that you can believe it to be true; it is conceivable that there might be such persons of such life, of such antecedents, that they would come forward, not to save themselves, but to fasten the guilt upon innocent men, and that the father and mother and two young sons could come forward in that dreadful conspiracy; and if possibly the entire might be even also base enough to do that without a suggestion or motive. Gentlemen, that isn't a state of things which is credible until it is forced, absolutely forced, on the belief of those who are to try the case. It is contrary to everything we know of human nature; it is contrary to everything we know in our own experience; it is contrary to everything which these sad and troublesome times would teach us. What motive would be suggested for it? Let us take the case of Kerrigan. Kerrigan himself was arrested with reference to this murder—he was arrested on the spot on the very night it was committed. My friends have both spoken of the unerring instinct of the police. I don't know whether that my friends would go the length of speaking of the unerring instinct of the police in other parts of this case. I don't know precisely to what point that the instinct of the police was unerring; but at the time when the instinct of the police and their observation with regard to the murder were perfectly right, to this extent—that they knew that Kerrigan must know something about this murder. And so he did, and so he was arrested. It was the bounden duty of the police to arrest him. They made a charge against him and against his son for complicity in this murder. There was enough to justify the proving of that charge. There was no evidence to support it in a legal way, and accordingly, being brought before the magistrates, he was discharged. He was re-arrested under an Act which has since expired, on reasonable suspicion of being concerned in this murder. And now, looking at it with the light we now know, with the light that we have seen reflected upon it, who can doubt that there was undoubtedly a reasonable suspicion attaching to him at the time if it was necessary to vindicate the conduct of the authorities. There was, gentlemen, until he made his disclosure, until the matter was tested and investigated, abundant suspicion, there was then reasonable suspicion in the minds of the authorities, which I need not tell you binds you no more than it binds any of us, for it was suspicion which the circumstances plainly cast upon Kerrigan. Again, at the conclusion of these proceedings, he was arrested, under the ordinary law, upon the charge of being concerned in this murder, but he must have known himself that there was no more proof and no more evidence to be given against him than that there had been before. Who had come forward to inform the police, who had given them any evidence or suggestion in reference to his guilt? Gentlemen, the Huddys were traced close to the house of the Kerrigans, and the traces were lost. But, gentlemen, let me point out to you that all the circumstances, with the exception that had been relied upon in fastening this charge of guilt against Kerrigan, comes from Kerrigan's own statements, those he had given in Court, and not known to the authorities until after his discharge. Let me illustrate that—

Mr. Teeling.—They were still in prison, Mr. Solicitor; not after his discharge.

The Solicitor-General.—I beg your pardon; I am strictly right. I am talking of the circumstances of suspicion against the Kerrigans themselves. What is the case from that point in asking you to say that the Kerrigans were the murderers? The crime was committed at their house; that is one circumstance; that circumstance was known to the police; that one circumstance doesn't depend exclusively on the Kerrigans' testimony. But another circumstance is relied upon. What is it? That there was blood upon the lane at that place. Now how did we know that, and from whom? From the Kerrigans' own statement here in Court. Another circumstance that is relied upon that the blood which was very near the door and the house of the Kerrigans was removed by

Kerrigan's wife within a short time after the commission of the crime. Who tells us that? The Kerrigans themselves. It came out on a volunteered statement of the little boy on the evidence given here in Court, sworn to openly and without concealment or attempt at a denial by the Kerrigans themselves. It is said again, that Kerrigan's son was concerned in the removal of one of these corpses. Again, I ask you, how do you know that, and on whose statement does that depend? It depends on the statement of Kerrigan himself, and of his family. It is said again, that the body which was raised from the lake, was raised in a sack which belonged to the Kerrigans. How do you know that, and on whose evidence does that depend? It depends on the evidence of the Kerrigans themselves, and on the evidence of no one else. It never could have been suspected, it never could have been identified, it would have been if the police could, but the man was after being nine months in jail, during which the police had been ransacking for evidence. How then is it that we know all these circumstances which are stated to tell as much against the Kerrigans? We know it from their statements here in Court, upon oath, and so far as these circumstances tending to fasten guilt upon them, as being concerned in this murder, they are one and all circumstances which I submit to your common judgments, as showing that the Kerrigans are too telling witnesses, willing to tell the truth, whether it bears for or against the story which they have told. Gentlemen, I shall not deny that you are bound to examine their evidence with care, you are bound to do that, in the case of every witness who comes into court, more than that there is a circumstance in reference to their case, which I concede, calls for more than usual care, with regard to their testimony. That circumstance that Kerrigan himself was suspected and in custody in reference to this very charge, but when you come to consider how far that is assumed or believed, first, that they are the murderers; secondly, that they are perjurers; and thirdly, that they are endeavouring to commit another murder, by the most fearful perjury in this Court, before you come to that conclusion you must do them the justice to consider the circumstances in which they were placed. Gentlemen, they don't come forward to denounce the criminals and reveal the crime, they do not. Is that a circumstance which would make you hesitate to believe them now on their oath. Unfortunately, we know too much of the circumstances which attended the administration of the law at that time to have made it perfectly certain that if they had done what it is now suggested they ought to have done, come forward to give information to the authorities, that two results would have followed. The first is, that the men whom they would have implicated by their testimony would have been tried on the spot, and amongst the Higgins and the Flynns, their friends and neighbours, in the county of Galway. The second circumstance that you would have to consider is this—it is said their only means of living is their farm. It would have been absolutely impossible for them to have lived there in the neighbourhood of those tenants if they had come forward. Now, these are only circumstances which are placed before you as explaining conduct which I don't justify. It is the duty of every citizen to assist the law. It is the duty of every man to be brave and loyal, and to come forward and assist the authorities in the investigation, discovery, and detection of crime. That is a duty; but, at the same time, we must look at human nature as we find it—we must deal with men as they are, and it occurs to me that, if you are to reject the evidence of the Kerrigans merely because that, while feeling themselves perfectly safe, knowing that no case could be made against them more than a case of temporary detention, they do not come forward to denounce the persons concerned in this crime, Gentlemen, it would have been expecting too much. And remember this, that whether it was the Kerrigans, or whoever it was, no one did come forward to assist the law in that place—no one did. Yet, many must have known it, some of whom must have been as innocent as I took you to believe the Kerrigans are. Gentlemen, there is another circumstance in this murder which appears to me to present their testimony in a light which removes, even to a great extent, that stigma. Who is the principal person concerned, in the first instance, in this murder? If their story is true, Pat Higgins (Long), a first cousin of the woman who witnessed the murder. Now, feeling as she has said, or her children, that nothing could be proved against her husband, and knowing, as we do, that nothing could be proved against her husband—for the only strong circumstance are statements that they made themselves, they waited long and anxiously before they came to the conclusion that it was worth while to assist the law, and in the second place, that they could do it. It is not to be wondered at that the relationship of Kerrigan's wife with Pat Higgins, would have been sufficient to account for that. Gentlemen, my learned friends for the prisoner, have relied upon the fact, that no evidence of bad character has been given as against the prisoner at the bar. He is quite entitled to that observation, quite entitled to it, subject to this

remark, however, that when in a court of justice a man is on his trial, charged with a crime, such evidence could not be given, the law doesn't allow it. I don't say that the Crown are in a position to give such evidence. I am merely stating this, that no such evidence on the part of the Crown would be admissible, and, I hardly pause here to dwell upon the fact that while it would have been admissible for him to give evidence of good character, he has not done so; but I hardly think that is a matter of weight in the case. But, gentlemen, you must decide on the evidence. Gentlemen, in dealing with the case put forward here by the prisoner, there is a point involved of a most terrible accusation, one of the most shocking and most horrible that can be possibly conceived against human beings. When you come to deal with the case of the Kerrigans, I may fairly retort this, that if any single circumstance in the life of that man, from the cradle to the time at which he stood on the table before you, or of his wife, or of his son, or even of the lad—if it would not have been a frivolous enquiry so far as he is concerned—if any single portion of his conduct, or of his character appeared to render him open to the slightest insinuation, it could have been ransacked, and proved here before you; but no question was asked of him, even asked in cross-examination by my learned friends for the prisoner, which would tend to throw the slightest doubt upon the perfect innocence, uprightness, and propriety of that man's character before his friends and neighbours down to the present time. There is no suggestion that a quarrel or coolness existed between him and the man who is accusing the prisoner at the bar or the other prisoner, not as yet on trial, there is no suggestion of pique or spite; there is absolutely nothing asked on which to shape any foundation for the accusation on the part of the prisoner that he is a murderer, and that he is here a perjurer endeavouring to swear away an innocent man's life: no foundation is made for it by a single question. Gentlemen, I appeal to you to say that that humble Connemara peasant comes before you to assist the law, telling the truth. I ask you to say that his character is blameless and his life spotless, and that if that was not so it could have been most easily, most readily, and most willingly proved.

Gentlemen, had Kerrigan any special motive to commit this crime? I am really forced to argue this case as if I were defending Kerrigan and his family—as if they were all charged with the murder in the dock. I admit there was an ejectment process against him. I admit it was to be served that day, and I admit, on his behalf, what he and his wife have sworn here to-day, and it is a proof to me—that this could not be expected from them if they had not been willing to tell the whole truth—that they knew that ejectment was to come, and that it was only a question of time. These, every one of these, facts are conclusive to show, gentlemen, their intention to tell the truth. If Kerrigan had been a shuffling witness, and unwilling to tell the whole truth, he and his wife would say they knew nothing about it, and if this was the case, they would never have had their story in the way it was given. But it was not for Kerrigan alone that Huddy came with the processes that day, and we have got now as clear an account of what Huddy did on that day, as it is possible or conceivable almost to have, having regard to the circumstances which had terminated for him in his death. He had got a number of processes, and I must ask your attention to these, I hope at no very great length. He had got a number of processes for people—I don't wish to trouble you with them all, but I must refer to a few. Now, we know that he served a process on Mrs. Walsh, we know that he served a process on Catherine Moran. As to other services in the different cases, we believe that we have that which amounts to the moral proof, but that of sworn testimony we have not. Now, I ask your attention to those intended services which took place. The first of then, namely, on Mrs. Walsh, is the only one that came to light. The copy was produced by her; she seemed a decent respectable sort of woman on the table; she admitted it, and the copy was procured from her. As regards Catherine Moran, the woman whom we had to cross-examine with reference to her information, but not on any particular point. Now, Huddy had the originals for these processes, for he must have had them—and he was proved to have two copies for Mrs. Walsh, one for her mother, and one for her husband. He had the original as regards Catherine Moran, and he must have had the originals in the latter case. He had served the copies, and it was necessary for him to have the originals with him, for when he came to prove that service on the 19th of the month, he would have been unable to do so without these originals, therefore, he must have had them, and took them away with him. He got them, and then where are they—they have never been found to this day. Now, it is fair to suppose this, as far as these are concerned, and we know that he had documents for service on Pat Higgins. You have not in this case any fact or evidence whatever as to the service on Higgins. It would, of course, have been perfectly open to those defending the prisoner to produce any evidence, if they had any, to show that Higgins, as a matter of fact, was not served. But you have no direct evidence on this point. At the time he was struck down and murdered, Huddy had in broad daylight,

passed the door of Higgins's with every opportunity of effecting a peaceable and quiet service—therefore, it was his duty, and therefore, can have no doubt that he effected that service. There is no document with reference to Higgins, either original or copy, found on him, but he must have kept the original if he served the copy, and like the others, in which service had been effected, before he came to the end of Kerrigan's house on that fatal day, there is not a trace left to prove that service which occurred at that time. As regards Macken—there were persons named Pat Macken, Martin Kyne, and Luke Kyne for which Huddy had also documents on the 3rd of January. No copies were found on his body and no original, no proof that they were served before he came to Kerrigan's house, they must have been removed from the body afterwards. Now you come down to the house Kerrigan. We have only this amount of proof about the documents until you come down to the house of Kerrigan. How does it stand with regard to Kerrigan. Kerrigan is accused of committing this fearful and revolting murder, not in conspiracy but alone by himself. Now, what is found on that body. The original of the document for service on Kerrigan himself, while the copy to be served on Kerrigan is not found on the body. Now, take it that Kerrigan had been engaged in endeavouring to make away with the evidence of that service on him, supposing he had committed the murder, would he have left the original on the body, supposing service were effected would he not have removed the copy and the original, in other words would he have left that body with the original upon it that would prove and be consistent with the service of the copy. I can well understand how the copy did not come there or was not there, I can well understand that man having the copy in his hand the time he was struck down. I can well understand—there is another explanation which is this that in the hurry and haste of ransacking their may have been a mistake made, but the probability is that just as you would expect coming round to this place, where he would turn off, he would have it ready in his hand and those who murdered him and carried him away would dispose of it. What was the motive suggested against Kerrigan for having committed this crime. Gentlemen, as far as Kerrigan is concerned, Kerrigan is altogether out of this crime. You are asked to believe that the story told by Kerrigan is an incredible one; that it is incredible that the mother should have happened to come to the door when the murder took place. It would appear to me that there is nothing more likely. She was engaged, as one and every peasant woman is, at that time of day—a natural time of day that a peasant woman would be at the door for a natural and necessary purpose. She saw men coming round the corner of the house and she pointed to the place. She sees the blow delivered by the hand of Higgins, and of course she saw what passed subsequently. Now leaving her husband out of the case for the present, do you believe that woman came forward to tell that story knowing it to be false, and implicating these three men. What conceivable reason for her doing it? Why should she not leave out one of the men who, she says, struck the blow, and put it on the two men with the revolvers? Why should she come forward to tell this story against her own kith and kin—her own first cousin, because he is one of the persons involved, unless she had been an eye-witness of the occurrence—why tell this unless—and it seems to be the only natural explanation of it—unless she witnessed the occurrence with her own eyes. What motive can you conceive for it? Why was it necessary to tell such a tale? No explanation can be given, and therefore you are to fall back upon, I submit, the true explanation that she was an eye-witness of this bloody work. But she is subjected, then, to the dreadful impeachment that she endeavoured afterwards to remove the traces of the crime that had occurred at her own door. It seems to me that if you once think that the transaction took place—she was seized with fright, with terror and alarm—that she knew what a awful position in which she and her family stood—the whole thing of the leaving of the traces of the blood there, the absolute necessity, unless they had made up their minds to disclose what they had witnessed and tell the police—but if they did not, if they had stood silent as so many had done before under the terrible circumstances—the removal of that body was an absolute necessity. Why? Because it was the first thing that would bring suspicion, against that house and the inmates of it unless completely and satisfactorily accounted for. Therefore clearing away the blood, of which, remember, you would never have heard unless these people did not tell it themselves, seems, under the circumstances, entirely consistent with their story throughout, and the omission of which would, in my opinion, have been destructive to the case they have now made. Mrs. Kerrigan was cross-examined about having denied this, and as to whether she did not mislead the police by stating that she knew nothing about the crime. It is perfectly true that that is so she stated—She was previously reticent and gave no statement in reference to it, and I have said what I mean to say about that. But she was cross-examined about another matter—she was asked whether she was not absent from home that day at the house of another man named Kerrigan—Luke Kerrigan, I think—whose wife,

had a sick child ; and failing that, whether she had not told to a man called Kerrigan in Galway, and also to a man named Comer, I believe that she was absent that day attending to his sick child, and could not, therefore, have been present when this murder took place. Gentlemen, you saw her manner and demeanour on the table : it is for you to judge of whether a witness is intending to tell the truth or not. You heard her denial of that allegation—that she was away attending to this sick child ; and if her denial was untrue she could have been confronted by the people at whose house it was stated she was, or by any human being—Kerrigan, Comer, or anybody else to whom she made such a statement—but that is simply a matter of cross examination : it was dropped, and those who put questions are bound by answers if they don't give evidence to countervail them. But there is still another matter—you heard when she was cross-examined about being from home attending to the sick child that day. What did she say ? That “ there was a woman here outside of this very court ; let them call her, and if she will not tell you that she saw me removing away the blood I am willing that the jury will discredit me on my oath.” She appealed to that woman, and to the two other men who were capable of being examined here, and she said that if they did not corroborate her statement about the removal of the blood, she was willing to be discredited on her whole statement. That test to which she so appealed has also been shrunk from. And she mentioned, moreover, that Patrick Higgins [Sarah], the other man who was in the dock yesterday, and identified there, could also depose to the same thing, and he has not been called as a witness to deny that ; and let me tell you, gentlemen, there was nothing to hinder that, although he is now in custody on a charge of being accessory after the fact in this very murder. The Crown cannot make him their witness, but the prisoner could, although I don't wish to press that too far, because it is a matter of discretion for those conducting the defence ; and, no doubt, the evidence of a man in such a position would have been discounted by the jury to a certain extent. But that observation, gentlemen, has nothing to say to the others to whom she appealed—the person at whose house it is alleged she was, and the man to whom she is alleged to have told this story to, and the woman who, she says, is in this court or about it, or in its proximity. No doubt, gentlemen, she must have a strong feeling of affection for her husband ; but is it your opinion that she would have come forward and told this story, and have brought forward her two sons to corroborate her, in order to involve in ruin and in death the prisoners, of whom her own first cousin was one, unless she knew that the story she was telling was truth ? And, remember, any impeachment as to the improbability of her removing the blood or otherwise comes from herself and her own kindred. The statement was first made by Martin Kerrigan. Now, Matthias Kerrigan himself is a man impeached by counsel for the prisoner. I have already observed that the manner and demeanour, the conduct of the witnesses, are for you. I don't know how the demeanour of witnesses may impress the jury ; but it would occur to me that there was nothing in the way in which that man gave his evidence—nothing in his demeanour that would suggest that he was supplying or concealing anything—nothing in the way of unwillingness to tell the truth, either for or against his own story, that should suggest in your mind a doubt of his truthfulness. He is a man of no English, and in that respect counsel for the Crown, as well as counsel for the prisoner, were somehow at a disadvantage ; although I think every one connected with these trials will admit that we are all deeply indebted to Constable Evans, who has given his services as interpreter on this occasion.

Mr. Teeling.—Certainly, Mr. Solicitor.

The Solicitor-General (continuing)—But still, notwithstanding the care and attention with which he was discharging his duties, it was not so easy to have evidence given in the Irish language perfectly, which we don't understand, or understand only imperfectly—but the manner and demeanour of the witness, the frankness with which he made his statements, the apparent absence of any attempt to conceal anything, would appear to me to denote a witness of superior skill, and moreover, you have this, he stood there a man unimpeachable by his friends or his neighbours from his youth up. His story is of course in accordance with that deposed to by his wife. I say, of course, because I would submit to your better judgments that they are both telling truthfully what they saw, and therefore, their tale must be the same. Then that young lad, Matthias Kerrigan, the eldest son was brought upon the scene of the murder—was in a participant in what followed it under circumstances which you have fresh in your memory. What is his story ? Does he come here to swear—does he come here to swear blindly to what is stated by his father and mother. If so, he would have been there the whole time. He would have returned from the bog to have seen Pat Higgins [Long] knock down old Huddy at the end of the house. But he says the contrary, and he puts it out of his power to corroborate his father, mother, and brother on that part of the case. He states that he was only present at the close of the transaction. Now, a circumstance like that is not merely a

verbal discrepancy, which has often been said goes to show the truthfulness of his story, but it is a circumstance which demonstrates that there was no concoction on the part of those people, if they had been fortifying themselves to tell an untrue story, they would have arranged matters so that all should have agreed perfectly. If this story is true, the evidence of this Matthias Kerrigan is just as strong as if he witnessed the whole thing, but these people would not think of that, and while father, mother, and younger son saw the whole transaction, that young man only saw part, and can you conceive any reason why he should say that he were not telling the truth. There is another circumstance in the case to which I also appeal as proving him to be a truth-telling witness. What he saw occur to the young man was that Flynn, the other prisoner, rushed after him, and threw him down, and that the prisoner at the bar fired shots into him. That he saw. He then tells the transaction about the sack. I don't mean to go into the details of the thing, you have attended so closely to the whole of the evidence, but he mentions this—that he was compelled to take part in the disposal of the body. How? His father has mentioned and in a very graphic way described it with a word that struck me at the time—that when the prisoner came forward to drag him out—not button-holed him, as my learned friend told you—but seizing him by the collar, and telling him he must take his share—"He shrank"—that is the phrase the father used—and he was brought forward, absolutely under the threat of assassination, you will believe, I have no doubt, though the actual verbal threat was not used. I asked him at the time, did he see a revolver, and he frankly and honestly said that he did not. Now observe, that boy was not a stupid, dull boy. He understood the force and meaning of the question. The suggestion has been made, how did you take part in this. How did your father allow it to be done, and he does not make the excuse that there was a revolver at the time, though it would have been the best excuse he could have offered, and it will be for you to say, when you consider the whole matter, whether that boy was not anxious to tell the truth, without exaggeration, and not to tell a lie, even to corroborate himself. And consider, too, these two desperadoes—one a little way on—the other there with the body of his victim, and you will, perhaps, take a lenient view of the weakness of that boy, over-reached, and yielding to a terror not unnatural. Supposing the Kerrigans had been the persons who committed this murder. Suppose they had done it alone. How could they have disposed of the bodies? It is not suggested that two of them could walk off with two bodies, down off alone, one after the other, even if this one had the power that would exact such terror as would render that. It is not suggested, its not conceivable, fire-arms were never seen in their possession. How could they have completed this murder? But, if they had act or part in the work with Higgins or Flynn, or anybody else, they would have been the persons who would never have stopped or left the bodies until they had seen them deposited in the lake. But the only evidence you have in regard to that overwhelming evidence—it is a proof that none of the Kerrigans left home except the one who returned almost immediately, as I have told you, and that he returned almost immediately. Now, the other member of the family is the youngest boy, and his evidence is sought to be shaken by comparison of the statement made when previously examined in Galway concerning the matter and his evidence given here. Now, bear in mind, on that occasion he was the fourth of the family examined. He was a young lad and he was examined in the prison. Bear with me while I read his information, and you will see that it is perfectly true and consistent with his story here, though it reads as if verbally discrepant. His testimony was not, of course, given in narrative form as it appears on the face of the information. It was so written down, but that is not the way it came from the witness. He was examined in Irish and gave his story in reply to questions. The statement he made then, and which has been relied now on as differing from the statement given at this table is, "I heard shots. I was then in the house and went out to the door. I saw Long Pat Higgins in the breen." Now take it that he was examined this way. "Were you in your father's house the day the men were murdered?—I was. Did you hear shots?—I did. Do you come out to the door?—I did. Did you see Pat Higgins (Long) in the breen?—I did." It might then be taken down on the face of the information in the way in which it reads, and be perfectly consistent with the evidence given in this Court. That is the way no doubt the information was taken from him—it was as I have told you through the language of an interpreter, and was not a narrative of the transaction as given by his father and mother. The boy has told you here on his oath what he told in Galway, substantially and exactly the same story, and it is for you to say whether you don't believe it—bearing in mind that he being the boy who openly stated the fact of his mother having removed the blood immediately after this occurrence—having told that fact which went certainly to prove his good intentions and his desire to tell the whole truth. Gentlemen, so

far as the Kerrigans are concerned I ask you to believe that there is nothing in their position, nothing in their character, nothing in their antecedents, nothing in their manner and demeanour, nothing in the story they have told justifying you in any way in disbelieving or discrediting their oath in the court of justice here. More than that, every circumstance is in their favour if you make one single allowance to be accounted for by the awful state of the country at the time, for the fact that they did not divulge this story immediately after this awful transaction occurred. Now the only way that evidence is attempted to be got rid of is by seeking to involve them without proof on a charge of this hideous and revolting murder, and of the most foul and appalling perjury, that perjury being levelled in Court without any assignable reason against their own nearest relative, for this woman had no sister or brother—for the purpose of dooming this man to death which could do them no possible or conceivable good. Gentlemen, the next witnesses in the case are of importance, though not of sufficient importance to justify me in dealing with them at any great length. The two Hallorans were examined, and they saw the prisoner just at the very place and time upon that breen, where the Kerrigan's say he was going for him to do the work, and going away with the first dead body, for the purpose of concealing it. Now, test the story of the Kerrigan's, with that evidence—evidence remember got from witnesses not only unimpeached, but whose reluctance on the table was obvious. Then as regards as the other prisoner, not yet on his trial, there is the evidence of the young lad Mannion, who saw him on that morning, and saw him on the lane and spoke to him—who had a conversation with him, as to whom a statement was made by that man, which we for the Crown could not give in evidence before you (it would not be fair to do so), and immediately afterwards left the breen, plainly clearing away for what was to follow. And then there is a witness in this case, to whose evidence I appeal as vivetting this charge home against the prisoner at the bar, even if there was not another scintilla of evidence given in the case. That is the elder Mannion. Who were the men that the Halloran's saw falling down into the street, by which they did not mean tumbling down, but rolling down into the street at the point where the murders took place. Who were they? The two or three men with their backs to the Hallorans. They might have been Higgins and Flynn, though they were not recognized on that occasion. Who were they? Who saw them? We have got Flynn in the breen, immediately before this transaction took place, and now, what is the evidence of Mannion. Gentlemen, I confess, I did not know, I could not conceive in what way my learned friends would deal with Mannion, the awful importance of whose testimony must have been felt by them from the outset. There are many ways in which a witness can be discredited if his story be not true. Some infirmity of character in former years—some spite against the prisoner—some motive in his own mind, suggesting complicity in a crime. But what is the case against Mannion. He was in no way connected with those ejectment proceedings. What interest had he in the murder. Can you conceive—is it suggested even that there ever had been a quarrel or coolness between him and the prisoner, or any of them implicated in that crime that morning. Is there a scintilla of evidence even that he was at Kerrigan's house. Now, you know well—as well as if you had been present on the occasion, how Mannion's evidence was got—that when Kerrigan told his story and young Kerrigan told his story, Mannion must have been gone to. Up to that time it is quite true he had been denying all knowledge of the matter, and if his story now is not true why does he come forward to tell it? Can you suggest any reason why he should not have said, "I was not there at all. I had nothing whatever to do with this matter. I never saw the corpses or took away the young boy. I never saw Thomas Higgins [Tom] or any body connected with it—and if he had simply done that what earthly accusation or charge could have been brought against him except the uncorroborated statements of young Kerrigan himself, but what is the story he tells. He was in the house of Corbett—not Corbett's as my friend says for the only evidence in the case is that there was no inmate of that house except an old man who had been bed-ridden for years. Mannion was ever at his house. He came out just at the time when persons were coming up the breen who he knew. These persons were the prisoner at the bar, young Kerrigan and Pat Higgins [Sara]. Now, what is his account of it. This man [the prisoner] rushes at him and takes him by the collar "you come out here." Why? What was his reason—what was his motive. It is as plain as the sun at noonday. Here is a man who has seen the sack going down the road, and he must put his hand to it. He must be included in the transaction so that he can never come forward and peach afterwards. And this old man evidently unwilling and reluctant to be mixed up in this trial in any way telling nothing voluntarily or obligingly, or in any exaggerated way, but simply detailing what had occurred that being seized by the hands of the assassin on that occasion, he was dragged out

as young Kerrigan was before and being dragged out either fell or was forced down on his knees when the sack was placed on his back. He told you further just then he saw the feet or the boots of the body peeping out. Touches that could not be introduced into the story, if it was a false one, but which told what occurred there just as if we had seen it ourselves, and which demonstrated that this Mannion was describing truthfully what he was an eye-witness of. Fancy his position. He may have suspected before, but now it was absolute certainty. "Oh!" said my learned friend "why not go into enquire who the man was." Gentlemen, he was by this ruffian—if you come to the conclusion that this is a true story—to place that horrid burthen on on his back, slipping with the weight of it as it was put there, and the sack pulled up to keep it on his back, and he was glad, I have no doubt, to get rid of it as soon as he possibly could. He said on the table "It's little trouble it gave me," and counsel for the prisoner have put a certain interpretation on that language. I ask you to regard it in this way, that he was too willing, too anxious to get rid of it. Trembling and horrified he goes home, and as he goes young Kerrigan who accompanies him, wheels off towards his own house. Does that man say he saw Flynn or Pat Higgins (Long) there?—No. Why?—Because they had proceeded, and gone on down towards the lake with the other body, and just as much there what he does not say as what he does say. I ask you to believe that, that humble peasant told the truth on that table, and if he did, what defence can there conceivably be for the man now charged with this crime. What defence can conceivably be given. The man who took charge of that corpse conveyed it off to the lake, compelled, an unwilling and reluctant man, to carry it on his back a portion of the way—how could that evidence be got rid of, if there was none other in the case. Now, I have dealt with the case for the Crown. Such is the evidence we confidently appeal to you to decide it to say whether in the whole course of your lives you ever heard a case more clearly proved, not by suspicion, but by positive, truthful, and plain testimony, and if you won't act on such testimony, we may just as well give up the idea of presenting any case in a court of justice hereafter. The evidence is practically undisputed as regards the position of these wounds on Huddy, and only one observation will I pause to make, and that is in reference to the suggestion, that it might have been expected, to have found some traces of the stone wound, but the witnesses for the Crown explained away this apparent lack in the testimony. There was no evidence to show that this stone was a very sharp stone, that it was a very large one, or what kind of a blow was given with it. Gentlemen, it was quite possible under the circumstances to give this blow with the stone, and yet for the Crown to be unable to produce any evidence with regard to it. It was quite possible for this stone to have left no trace when the men die immediately, before the swelling or discolouration has time to show itself in any marked degree. But even if there was no stone wound, what absolute reason could Matthias Kerrigan have for inventing that story. It raised a difficulty while removing none. It really is a matter that cannot be held to effect their testimony in any way, and even if this could have effected them other than injuriously, how could these poor people become aware of the fact. They come forward to tell their story, and their entire and truthful story, to be relied on in this Court. Gentlemen, the Crown case is uncontradicted by the affirmative of the prisoner. He has undertaken to prove, not alone that he did not commit this crime, but that he could not have committed it, because he was engaged elsewhere at the very time the crime itself was being perpetrated. Well, now, how often that very defence is made. I don't use that observation to endeavour to ask you to decide against that defence, if you felt for a moment that it was a truthful one. I only say what is uncontradicted, that this is the very kind of defence that may be expected in this case. Of course the *alibi* may be true and of course the observation is intended to convey, and is continually made, that it is the only defence any of us may be able to rely on if charged with a crime. It is a defence that is at any rate not mentitled to be assumed that it is a truthful one, because experience says that there are facts which point to other usages of it. Well, gentlemen, now, there are two witnesses called to prove this defence, both of them women, and both of them women of considerable intelligence, I would ask you to believe of considerable power of arranging the story if it were a falsehood. One of them is a sister of the prisoner. Her story is certainly a peculiar one. She left her husband's home on Monday, 2nd January—some place, I think, she said was Cornanona, and Cornanona is some five miles from his place. She left home, her husband's house, for the purpose of procuring yarn for some frieze which the husband was weaving for the prisoner. She does not appear to have made any arrangements about it. The yarn was not ready when she went, and she stated that she slept there that night upon a bed made up for her in the room in which the other inmates slept—in which, the husband beside the wife and the child, slept that night. She stated she was first

up, and she rose, I think, she said an hour and a half or two hours after sunrise, after daylight—an hour and a half or two hours after daylight, that was the time she said she was the first to get up. Now, I would not be too minute in pinning a witness of that kind to the exact measure of time, but her story is that she did not arise herself until long after sunrise, and that she was the first person to get up in that house. There was no reason, if her story be true, why the prisoner's wife should not have arisen also. Mr. Adams stated that the baby was not born then, but the only evidence in the case is that the child was more than a year old, and in January must have been more than one month old—how much more we don't know, and the wife does not appear to have been delicate, but, on the contrary, was, after she did get up, going about her ordinary work. This woman, however, gets up first, and tidies the house, and a considerable time after the prisoner and his wife rise, and Sarah Laffy, another person another person was in the house at the time, and actually saw the prisoner getting up from bed. Therefore you have upon that occasion in the kitchen three women and the man. The potatoes have to be boiled for the breakfast, and who is to it. It is necessary about that time, that very time—an hour and a half after sunrise that he should be accounted for at the time the Huddy's were losing their lives on that boreen—that at that very time he should be engaged in something else, and accordingly he is put there to boil the potatoes—to wash the potatoes first, and then to boil them, and then to draw out water, and then to put them on the table, and not satisfied with that he is then put afterwards to prepare potatoes in some way for the pigs, and the only man about the place—no reason being assigned for his taking part in work of this kind, with three women in the house, one his own wife, and one his sister. Well that is not a story that commends itself I think at the first blush, to the understanding of anybody to whom it is addressed. If any man in his position told you such a story—that he was engaged in such a way, when he was accused of stealing a pig or anything of that kind, you would not believe him. It must be considered however, because in this case it is sworn to, and it is a grave case, but you are to say do you believe it. What follows. This woman is about the house all day long, from morning until so late that it is dark when she gets back to her own home, and she sees her brother the whole time. Not absolutely every minute, but in and out the entire day, engaged in bringing in potatoes out of the pit to put under the bed, and he is working about the place, and she keeps him about the door the whole day, close to the public road, in a district which is by no means sparsely populated, and yet no human being is alleged to have seen him on the day in question, but his wife, his sister, and Sarah Laffy. The sister goes off home taking the yarn with her that she was in such an extraordinary hurry to get, and which her husband was not in such an extraordinary hurry to work at apparently. On her way back her recollection of it is so precise that she tells you that she did not see a human being, man, woman, or child, with the exception of two gossoms, and she undertakes to swear that now, although she can't tell you that within so many months what the time was of the errand she had to her brother's house she never saw a human being on the road. Back she goes to her own house, passing by a short cut near the house of the Hallorans, and almost in propinquity to the scene of the murder. After the murder had been perpetrated, when the whole air was full of it, and everybody in that district knew of it just as well as you know now, and she gets home, she hears of the murder—when? The evening of the next day, Wednesday, and then, gentlemen, by one of these extraordinary slips which sometimes let out the truth. She says that when her neighbours near her own home were talking about the murder, she said that they were talking about it over at Cloughbrack. She saw at once what she had done; she felt the blunder she had made, and that she must give some excuse or explanation of the statement that she did not hear of it till she heard it at her own home, and then her subsequent statement that it was being discussed at Cloughbrack. How does she do it, gentlemen? She does it to bring the Cloughbrack people from the house named—she had to bring the Cloughbrack people from Cloughbrack to Cornamona, and then the people she heard talking about it must have been the Cloughbrack people and not the Cornamona people. But, gentlemen, she let out knowledge which I ask you to infer she took with her when she went home to Cornamona. Remember, the police were on the scene of this murder by half-past four that evening, and came from Clonbur—why? Because they were sent for from the spot, and even if the police did not make it perfectly public before she left her brother's house, she had, and everybody there had, just as much knowledge of this awful transaction having taken place as was good for them to know, and she knew of it when she was going back, if indeed she ever was there at all on that occasion. But, gentlemen, her story, which is told to you on that occasion for the purpose of saving her brother—her story is sought to be supported by the evidence of Sally Laffy. Sally Laffy's story

is a little peculiar in this respect. She gives a literal and verbal corroboration of the story of this Judy Halloran in every particular, even as to Judy Halloran being the person that was sweeping the kitchen and the brother washing the potatoes and preparing the food for the pigs, and also his drawing in the potatoes from the pit. She remains there that evening, and her evidence goes so far as this in further accord with the story of Judy Halloran going away across the hills and not meeting a single person except these mysterious gossoons, and that nobody ever saw. How was it conceivable or probable in the case of that active, quick, intelligent girl living there in the house, while from half-past four the day before the police were ransacking every house from Clonbur down and were ignorant of the fact. Why that night at nine o'clock Kerrigan was arrested, and do you think that was not known in Cloughbrack. There are some things that if they were sworn to by dozeus could not be believed, and and anyone who knows anything about the habits of country life will know that the news of that transaction of the disappearance of the Huddys, of the carrying off of the sack and the cleave down to the lake must have been discovered about there and must have been known to all. But if that were the only thing, the news that the police were brought, that the houses were being searched, and that arrests were taking place would have spread like wildfire. At all events, that girl comes forward to swear that story here. I do not comment upon any hesitation on the part of the counsel for the prisoner in producing her—she was produced, and my friend, who so examined her, was anxious to break the fact of that which it was known must come out when she was cross-examined by us for the crown. When she had on a previous occasion specifically denied the truthfulness of the story she was called to prove. But now, what does she swear. That upon the 18th of October, she told to the police that she was at home on the entire of the day of the murder. That she had not been at the house of the prisoner, or anyone else. That that was all false, and that upon that day she never saw him or any one of the other persons implicated in this charge. Well, a witness may tell what is untrue at one time, and swearing truth at another time. But that observation applies with wonderful force according as the evidence is ultimately to be given—if in support of the law—it is only an omission, and what may be accounted for by numbers of motives, but a woman, whose only motive was to exonerate her friend, and who by a truthful story could relieve him from the terrible accusation—that she could by telling a false story avoid affecting his release, is wholly incredible. One or other of her two statements must have been false, but which was it? That given to the police when she was asked and questioned by them, or the story told here for the purpose of saving the life of the man, whose intimate she undoubtedly was. I leave that to you. But she is got to give an explanation for telling a lie, which she says she had told, when questioned by the police. She says she was afraid. Now fear may drive a human being to do almost anything, but what fear was that woman in on the 18th of October. They had been friendly with the constables, selling socks to them, greeting them along the road, and they came into her house in broad daylight in the presence of her father, and her mother proves they had their uniform on, but that could not alarm her for she has seen and talked with them in uniform before. She was questioned by them there. What harm could have come to her in the presence of her father and mother—none. There was no circumstances of violence or threat, and she had every motive that a human being could have to do what she now comes forward to do—to exonerate the prisoner if she could do so. What takes place subsequently? A very peculiar transaction. I know myself but of that one interrogation by the police—I know of no more. I don't say that there was not another, but the first I heard of it was in this Court-house, and concerning that she gives this story. That in some manner, wholly unexplained—I could not gather the explanation from it from her—a message comes to her father's house that she must go to Clonbur, not in custody, though there are policemen on the road some time before and some time after her, but who did not speak to her for they knew no Irish. On her way she met the prisoner's wife, who accompanied her to the police station, and then remained outside while she was in, and the inference is that she told the story as she has told it, but as to that as I have told you, I have no information except her own—and taking her own statement there is to be observed that she saw the prisoner's wife before telling that story—that second story—and she further tells you that the prisoner's wife remarked to her that she would recollect being in her house one day carding wool, and that she did not say what day; and she further denies, no doubt of it, that the prisoner's wife told her at all that it was the day of the murder of the Huddys. Gentlemen of the jury the whole transaction is for you to judge of. Do you think that evidence is capable of being used in the scale, as weighed against the evidence of all the Kerrigans, give it that effect which to your good judgments shall seem right—if you think that evidence of these two women so given, fit to weigh a feather in the

scale against the independent evidence of Mannion, so be it. I have called Mannion an unimpeached witness, and it is for you to weigh the evidence, and see the force of the impeachment laid against him by my learned friends defending the prisoner; and I say again that that impeachment is mere rhetoric, and that there is no evidence that Mannion was a person of bad character, and all his antecedents were all known to the prisoner, and of testimony that would have been given in that direction would you may be sure, have been willingly given. I will say no more than that. The prisoner's counsel have eloquently appealed to you on the ground that the prisoner's mouth is closed. That is so by our law, but if ever any statement came with little weight from counsel for the prisoner, it does from counsel for the prisoner here, who object to have his statement told to you in his own words. I don't dwell on that, however. It was open to them to allow it to be read, and I think you will attribute little weight, therefore, to the appeal, on the ground that his mouth is closed. It is not a question now for you as to whether he could have told, or might have told, or would have told, anything, if at liberty to do so. Your duty is simply to judge the evidence in this case as produced before you—and upon that evidence brought forward on the table here you must decide it. If the result of your calm, earnest, attentive judgment—and, I will say, merciful consideration—of that evidence be that there is no ground upon which you can discredit the proof that is forthcoming against the prisoner, it is your bounden duty to give effect to that determination by the only verdict which it would warrant. You are not empanelled here for the purpose of raising silly doubts, and afterwards discussing the evidence in reference to them—you are not empanelled here for the purpose of raising theories of conspiracy, and murder, and fraud against persons, without any reason, and afterwards saying that these theories are true, and placing them against the evidence—you are to do that duty which devolves upon men in every situation in life, in every important affair of life, that in also every-day transaction we are bound to act upon the evidence. We do not see everything for ourselves, we must take the evidence before us, and if the evidence in this case is clear and coercive, I need not appeal to you to do your duty. I know you will do your duty, and give effect to that evidence. If any reasonable doubt, such as strong, sensible men can conscientiously raise before their minds, occurs to you, if it is a reasonable doubt which leaves you really in a state of difficulty, that is a different matter, and your duty is equally clear to find a verdict in accordance with that doubt. I now leave the case to you.

At this stage the court adjourned till the following morning at eleven o'clock.

THE DUBLIN DECEMBER COMMISSION.

16TH DECEMBER, 1882.

County of Galway.

THE LOUGH MASK MURDERS.

THE QUEEN v. THOMAS HIGGINS (Tom).

The Hon. Mr. Justice O'BRIEN sat in the Court House, Green-street, at eleven o'clock, and resumed the trial of Thomas Higgins (Tom), charged with the wilful murder of Joseph Huddy, at Cloghbrack, County of Galway, on the 3rd of January, 1882.

The Hon. the *Solicitor-General* (*A. M. Porter, Esq., Q.C., M.P.*), *James Murphy, Esq., Q.C.*, and *Peter O'Brien, Esq., Q.C.* (instructed by *George Bolton, Esq.*, Crown Solicitor), attended to conduct the prosecution; and

Charles H. Teeling, Esq., and *Richard Adams, Esq.* (instructed by *Patrick J. B. Daly, Esq.*, of Ballinrobe), appeared for the accused.

The jury having answered to their names as follows:—John Fuller Boake (foreman), William R. F. Godley, James King, Thomas W. Russell, William F. Lennon, Frederick Maple, Isaac J. Smallman, Arthur Rotheram, Henry C. Bloxham, Robert Mason, William George Sloane, and Charles Uniacke Townshend,

Mr. Justice O'BRIEN proceeded to sum up the evidence for the jury. He said:—Now, gentlemen of the jury, what has been said so strongly by counsel for the accused, and has been so emphatically affirmed and impressed upon you by the learned Solicitor-General, who represents the Crown, hardly needs any further observation from me by way of caution as to the mode in which your duty is to be performed upon this present trial. You are not in the least degree to be influenced by anything that has happened in this court, by anything that any of you may have taken part in, by anything you may have heard outside this court, or anything you may have heard upon any other occasion; but are to be governed entirely and solely by the evidence that is given in this particular case. That is the limit and the nature of the duty defined by your oath, and it is plain and obvious justice, because the prisoner was not represented upon any former proceeding in this court, and had not an opportunity of making any defence against any statements which might injuriously or prejudicially affect him. Independent of the general considerations of justice and propriety in support of that rule you have the fact that the prisoner upon the present occasion has put forward a defence entirely individual and peculiar to himself. And to the general nature of that defence, reversing in some degree the line of observation of the learned Solicitor-General, I would take leave first of all to draw your attention, because the nature of that defence depends but partially upon the defence itself, and to a large degree upon the question how far it is encountered by the evidence given for the prosecution. The defence is that the crime could not have been committed by him because he was elsewhere at the time—the kind of defence that we know is so very often availed of in courts of justice. And in support of that defence the prisoner's own sister is examined, whose statement is this, that on the Monday preceding the day that this crime was committed she came from her own husband's house, situated at a place called Cluggan, five miles distant from the scene of the crime—she came to her brother, the prisoner's house, to procure some yarn to complete some work her husband, who was a weaver, was doing for him. A sufficient quantity of yarn had not been obtained, and she came for the remainder, and finding this yarn was not spun, not ready, when she came there, leaving her husband's house about two o'clock on the Monday, she remained the whole of that night, and the services of a neighbour's daughter, Sarah Laffey, were engaged to complete the yarn with the aid of the prisoner's wife, to enable her to finish it next day. She says she remained that night in the prisoner's house, in which the inmates were herself, the prisoner, the prisoner's wife and infant child, and that on the next morning she was up before the prisoner, partly with a view, as she would suggest, of commencing this work of carding or spinning this wool early, and she set herself, in the ordinary way that a woman does, even when not the mistress of the house herself, to prepare the house, and make the fire, and other preparations about the house. The prisoner's wife got up some time afterwards, and the prisoner himself, I

think she stated, got up last of all. But that is not material, and, of course, the question of his occupation that morning, the way he was engaged, the time he was engaged, the time he got up, the time he left, the intervals he was away, and the periods he returned, were known to her to be of supreme importance in reference to the nature of this defence, because she must exclude, for the purpose of making that defence effectual, any interval of time sufficient to enable him to go 1,150 yards—little more than half a mile, two thirds of a mile to the scene of this crime. Her evidence was directed to show that not merely could he not have been absent that time, but that he could not have been absent during any considerable part of the day when the persons engaged in this crime were disposing of the murdered remains—and she could not easily cover the period of the morning without ascribing to the prisoner a kind of occupation certainly not very common for men in humble homes of this kind—the preparation of the breakfast, the washing of potatoes, the boiling of them, the pouring out of the water from the potatoes, the boiling of a second pot of potatoes for the pigs—all this kind of engagement, kind of employment usually assigned to women. The reason she gives is this that they were in a hurry, that she was desirous of being engaged in this spinning to prepare the yarn for her return. It certainly is not a usual circumstance—that may explain it—that there should have been present the prisoner's wife, even though she had her infant child, his sister, and Sarah Laffey—three females in that house and yet that the task of preparing the breakfast, the ordinary duty of women, should be left to the prisoner. She says he was in and out, that he proceeded to smoke his pipe for a short time, either after the pigs were fed or in the interval between the preparation of their food and the breakfast; and afterwards he got a shovel and a basket and began drawing potatoes. She did not see him every minute but he was in and out and was never absent more than a quarter of an hour. She was engaged herself in this work of spinning the wool. So was Sarah Laffey; so probably was the wife. The matter appeared to be a matter of hurry with them, and it would not certainly strike me as a matter very likely to have happened, that her observation was closely directed upon the prisoner; that she kept such a close watch upon him when there was nothing but the carding and spinning of the wool after breakfast, that she is able with truth and accuracy to say that he was not more than a quarter of an hour absent during that time. Now you will observe upon what extreme particularity the success of a defence of this kind essentially depends. It depends upon the whole period of time being covered in the most complete manner by an *alibi*. It depends upon the day on which the person is alleged to be absent, the day on which the *alibi* is laid being the right and real day, because most commonly it does happen in these cases in courts of justice that the observations of witnesses coming up to prove a defence, are transferred from one day to another. It depends, above all, upon the witness telling the truth. She left on that day, later on that day, to return to her own home. Her father's house was in the vicinity, a very short way down the road from Burke's place on the Clonbur road, but she paid no visit to her father, Thomas Higgins; there are two Thomas Higgins named there, one the father, the one more distant in the Clonbur direction is the father of the prisoner. She paid no visit there. She did not pay any visit or call at any house that day—the day she was returning or the day she was there in Cloghbrack village. She did not see any person passing though the house is on the roadside, and she cannot give the name of any person who saw her pass by to the house that day; she took the short cut from Stephen Burke's house, past the rear of the house of the Hallorans and did not call there. When she is so definite and so particular as to all that happened in that house that day—the demeanour of the prisoner, the mode in which he performed this domestic work, the times he went out, the times he went in: she does not depose to a single fact outside of what happened in that house that day, not a single external fact of any kind by which she could be confirmed or contradicted—that she met or knew one person during her progress of five miles from that house to her own. She mentioned also what may be the case, what may be true and what may not be true, that she did not hear of the disappearance of the two Huddys, or of the crime being committed, until dinner hour the next succeeding day. It may be so, but she passed through the whole neighbourhood of Cloghbrack until she reached Cornamona, even excluding the two miles, she had passed through three miles of the scene in which this crime was committed, possibly was in communication next day with people coming from that neighbourhood, and it is curious she did not hear about it. It may be so; but on being questioned as to who gave information about this murder the next evening in her house in Cluggan, she stated that it was some person at home whose name she did not remember, and she mentioned it, as if she herself knew about it from Cloghbrack people. And on being pressed to explain that difficulty, as

she had passed through Cloghbrack, she gave the explanation that people of Cloghbrack were at her house in Cluggan, and told her ; and, according to her statement, very close to the time she learned it from those other people whom she does not know. She is unable to say that within three months before that 3rd January she had ever been in the prisoner's house—whether within one month or three months she does not venture to say—but it was not six months ; and as far as I can collect from her statement, she was not in her brother's house after that 3rd January, except some day in the summer—the summer of this year, and undoubtedly it is a matter of great observation—matters of the kind do happen, but it is undoubtedly a matter of observation, this extraordinary coincidence, that the prisoner's own sister, living five miles away—who could not tell within one or three months what time it was she was in that house, but it might be within six months, who was only there several months afterwards—should have been in that very house on the day this crime was committed, and on the day it was necessary to establish the impossibility of a party being engaged in the perpetration of it. Behind all that there remains this: she is under a tremendous motive, to save the life of her own brother, and if it became necessary, to determine, as it often is necessary to determine, whether the influence and operation of so powerful a motive causes a false defence to be made, no jury should shrink from coming to that conclusion merely because it imputes to a person a false statement under the influence of a great motive. With her, upon that occasion, in that house was a young woman, according to her statement, named Sarah Laffey, who was examined as a witness, and with whom, according to Sarah Laffey's statement, an appointment was made on Monday evening that she should go to this house to aid in the spinning of this wool ; and she states that she came there in the morning before the prisoner was up, and that she remained there for the whole day, and she has, in almost exactly the same terms, described the occupation of the prisoner—described the fact of his rising that morning, even, I suppose—I don't know whether she did or not—to the particular of his saying his prayers, which a person may ordinarily be supposed to do. She described every single circumstance connected with his occupation that morning in almost the exact terms Julia Halloran the sister had—how he got up, washed the potatoes, boiled them, smoked his pipe, put on another pot of potatoes to feed the pigs, and afterwards took a shovel and a basket to raise potatoes, his departure and return. The pit from which the potatoes were taken could not be seen from the house ; it was half an acre distant from it. Of course it would be of great moment to the prisoner and his sister to make out this defence of an *alibi* by a person not under the control of so strong an interest to try to save him. But that statement of the woman Laffey upon the table is certainly met here by evidence of a very remarkable nature. On the 18th October, a visit was paid to her house by Sergeant Ruddan in reference to this crime. All these statements that she was afraid of the police upon that occasion I dismiss as entirely idle. The hut was erected there for several months, “it was in her own immediate neighbourhood, she had spoken repeatedly to the police.” She had saluted them when she met them, and they had saluted her. She had engaged in the sale of some work to this same sergeant, and whether it was the red constable or the sergeant she had no apprehension of meeting him. That's all my eye. And upon that occasion, being questioned by him, this young woman who is now examined here, and deposed to her presence in the prisoner's house—she says, she did not see the prisoner on the day of the murder at all, that she was in her own house all that day—and what arrested my attention in the strongest possible manner was this, her own statement which she now made: “It was false that she was spinning wool at the prisoner's house,” for the fact of her saying that it was false evidently referred to the fact of her spinning wool in that house having been previously made by herself or by somebody. She said she was in her own house, but she denied the specific accusation attributed to her that day in the prisoner's house. When you come to examine it, that conversation with sergeant Ruddan, and her own contradiction, and her own evidence is a matter of the deepest and most vital importance. The prisoner was in jail, arrested upon this charge, and she had it in her power to state something that would have tended to free him from custody or danger. I could understand, according to the distinction drawn by the Solicitor-General, persons in the condition of that woman concealing evidence that would assist the law, but the concealment of evidence by them that will obstruct the law and defeat the law is entirely unknown. Her first and only impulse would have been to say “I was in the house and he was not guilty of it.” Instead of that, she denies that she was in the house and denies the occupation she now says she was engaged in. Now, the matter does not stop there, because there is a subsequent matter, it was the subject of a very close inquiry partly by yourselves and partly by me, as to that Sally Laffey's conduct and statements, that seemed to me to cast a great deal of light upon this matter. She appears to have made some subsequent statement, and

I take it, although there is no evidence of it, that it is in favour of the accused, that that was a statement substantially the same as she made here upon the table.

Mr. Teeling.—Yes, my lord.

Mr. Justice O'BRIEN.—That was the drift and meaning of the statement she made in the barracks—a statement to the same effect as here, that she was in the prisoner's house on the day of the murder and was so engaged. And now let us see the circumstances under which that was made, for they have an importance beyond her own credibility. She appears to have received some message—what was the meaning of it, under what circumstances or authority it was given, though I conjecture, I cannot know, or positively say. She appears to have received at her father's house some message that she was to go to the barracks. There is a power given under the Crimes Prevention Act, to examine persons supposed to know anything about the commission of a crime, and compelling them, under power of the law and penalties, to disclose all they know; and it might have been in the exercise of that power that the police made a communication to this young woman to go to the barracks and give them information. She left her house for that purpose, to go to Cloghbrack, which is either the Fair Hill barrack or the hut. She went to the Cloghbrack barracks, a short distance from her own place, and it is an extremely curious circumstance, that on the way to the Cloghbrack barracks, she met the prisoner's wife, and was accompanied by her to the Cloghbrack barracks: and at Cloghbrack barracks, according to her own statement, she was informed it was necessary to go to Clonbur. While she was in the barracks, the prisoner's wife remained outside for her. She went on from Cloghbrack barracks, and joined the prisoner's wife, and they went the whole way to Clonbur. What business the prisoner's wife—there was something said about a fair, nothing more specific than that—what business the prisoner's wife had, unless going to a fair, does not appear; but the prisoner's wife kept her company from her own house to the Cloghbrack barracks, and from that to the Clonbur barracks, and returned in her company—all pointing to some communication, or some influence over that young woman Laffey, or some communication being made to her, which seemed to show that the parties considered it of extreme importance that she should make a statement, and one different from what she had already made; for she had made a different statement, having wholly denied she was in the prisoner's house; and if the matter stood upon that it was of serious importance to the accused. That the statement, by way of contradiction, or change, or alteration, made by her at Clonbur, is made at a time that she is in direct communication with the prisoner's wife, and when she is in close communication with her in reference to this very subject, you cannot doubt. Now let me pass away from that defence, the exact terms of which it is necessary I shall afterwards read for you, and return to the evidence of the original transaction. If Patrick Mannion saw the prisoner on that day, the 3rd January, as Patrick Mannion has told you, upon the scene of that crime, engaged as he was, unquestionably the prisoner is guilty; and accordingly it became necessary for the counsel for the accused to assail the evidence of Patrick Mannion, and to attribute to him a crime of a most heinous description, and the apprehension in his mind of punishment for that crime, in order to explain away the effect of his evidence. You will have to consider if Patrick Mannion was under this apprehension for his own safety, as having taken a part in the disposal of this body, if he was under the impression that a charge was going to be made against him, which he does not appear to have been, and he was in danger from that charge. You will have to consider not merely the question upon which the counsel for the accused laid any stress, that Patrick Mannion was desirous of making out a case of coercion, of coercion and menace in the part that he took, that he was in dread and fear of his life when he did so; but we have further to consider why he should have pointed out Thomas Higgins as the person who used that coercion. His object would have been as well satisfied by pointing out any other person, but why Thomas Higgins, I cannot understand, as the result of that argument. But the case does not depend upon the evidence of Patrick Mannion alone. It depends upon the whole evidence of the preceding witnesses as well as of Mannion's. And now I must again, although it may be wholly unnecessary, still, having regard to the serious nature of this charge, and to the great issue involved in it, I must very shortly refer you to the substantial and principal evidence given both for the prosecution and for the defence. And although all these facts are recent in your recollection, and tedious though it may be to you to hear them repeated, still in the performance of the duty that devolves upon you in this all-important case, I know you will not object to the performance of that duty. Matthias Kerrigan was the first witness examined, the first important witness upon the matter of who were guilty. He says he was at the barn of his own house, and saw Joseph Huddy coming from the direction of old Higgins's house. He was at the corner of the house exactly, as distinguished from the barn, and

there was a boy with him. He says he saw three men following him ; he had known these persons before—Patrick Higgins, Thomas Higgins, the prisoner, and Michael Flynn. He identifies Thomas Higgins and Michael Flynn. Patrick Higgins is a relation—a first cousin of his wife. He saw something done to Joe Huddy. He saw Patrick Higgins first strike him with a stone and knock him down ; and to the question whether he threw the stone, he said he was not the length of an arm from him, and Joe Huddy fell against the wall at the corner, and he pointed to a more distant wall at the gable of the house, and he indicated with extreme particularity the precise point where he fell. And I was greatly impressed with the circumstance that each of the witnesses—his wife and his son, Martin—notwithstanding they are persons unfamiliar with maps and models, also pointed out the exact spot indicated by the father. The other two men put shots into him when he was down. When the little boy saw the old man down he ran, and Michael Flynn followed him, caught hold of him by the collar, and knocked him on his nose and mouth on the ground, and the prisoner then came up and put two shots into him. His son Matthias had gone away for turf, and now came back when they were murdering the boy. The old man was murdered. He was asked what was done with the bodies, and he says the boy was put into a bag which old Higgins got, and the body of the old man was put into a cleave by Michael Flynn and Patrick Higgins, on whose back it was put, and he went away with it. Thomas Higgins caught his son Matthias, and said, "Take this away, and if you don't I will make you sorry." The boy shrank, and tried to get out from it, but Thomas Higgins put it on his back, and they went on down the same road. He did not leave his own street at all, or his house. His wife put her head out of the door at the same time as they were murdering old Huddy, and his son, Martin, was coming from the dwelling-house to the barn with a basket for him. Afterwards he saw Pat Higgins (Sarah) passing on with a basket of turf. There was no breakfast in his house on that day when the thing was done. Matthias was away half an hour or three-quarters. He did not see Pat Higgins (Long) that day afterwards. Pat Higgins (Sarah) was then brought into the dock, and identified by him. He said he did not see the prisoner again. He was arrested, and his son was arrested. He was let out of jail eleven weeks last Monday. Cross-examined, he said he owed two and a half years' rent. His wife told him that Mr. Bourke told his wife an ejectment was to come. He did not know the day, but he knew it was to come, but not the day. He said he was sure Joe Huddy would come, whatever day he would come. Upon his oath he was not served with an ejectment. Could swear on all the books under the gentlemen present that he was not served. He said he was nine months in jail, because this thing had been committed near his house, and he was charged with the murder. No other charge was made against him. Eleven weeks last Monday he told this story ; he was in jail, and afterwards he got out. Before he told it the other people had been discharged. Thirteen were in jail. He was kept to the last because the authorities knew nothing about it until he told them. He points out where the blood was, and where the boy and the old man were killed. His wife cleaned away the blood because she was trying to save all in her house. She did not care what was charged but to save her own house, not to have it said that the thing was done there when this man—that is the interpreter who is a constable—and other men like him would be looking for the persons. Old Higgins took the sack out of the house. He did not give it to him. Old Higgins was the length of an arm off when he struck Joe Huddy. The big stone was fired at him. The stone struck him on the back of the head. He points out where he fell near the off wall. By a juror he is asked did he make any effort—whether it was to prevent his son taking part in the carrying away of the body—he is asked did he make an effort, and he says he said to his son "Have no hand in it," on which the prisoner said to him, "Come out here or I will make you sorry." He shook, he says. He never had a revolver. He saw firearms with the two of them. He never had a revolver himself since he was born, and he would not know what to do with it any more than that stick upon the table. The next witness was Bridget Kerrigan, wife of the last witness. She was at home that morning the Huddys were murdered. She was preparing breakfast and came to the door to pour out water, and she saw Joe Huddy. Did not know him before. Huddy was at the back of her house with a boy. She was throwing out water at the time. Her husband was at the barn. Matthias came back with a basket of turf ; he was not there at the time the old man was murdered ; and Martin was going to his father with a cleve. She knew Thomas Higgins, Patrick Higgins, and Michael Flynn. Patrick Higgins was a relation a first cousin of hers, and was also related to her husband distantly. Joe Huddy was knocked down by Patrick Higgins. He raised his head like that, and fell off again. Shots were then put into him by Thomas Higgins and Michael Flynn. Each of them had a pistol.

She was shaking. The boy ran to the corner. Michael Flynn went after him, and knocked him down in the way she describes. Flynn followed the boy, and put shots into him. Michael Flynn and Thomas Higgins put the boy into a bag. The sack was got in a corner of her own loft. When the boy was put into the sack, it was hoisted on her son's back. He had to take it—"Was it not better for him to take it," she said "than lose his life." The prisoner went with her son and the sack. The difference between the time of the going of Patrick Higgins on the one hand, and the prisoner and her son on the other, was the time of the disputes that were going on between her son and the prisoner. The difference between the time that Patrick Higgins and Flynn went away with the old man was measured by the time the disputes were taking place between the prisoner and her son as to whether he should carry the sack or not. A remarkable statement. The son said first he would not take it, but in the end he had to do it. He was too weak to encounter a person like the prisoner. The prisoner said he would not be thankful, or he would be sorry. There was blood upon the boreen. There did not so much blood come from the boy as from the old man, because he was struck with the stone, implying thereby that the blood was caused by that stone. But it might be accounted for by the greater hemorrhage caused by the situation of the wounds on the old man's head. That would account for the greater quantity of blood being found where the old man fell, more than the explanation which she had in her mind that the old man was struck with a stone and the boy was not. She got hay and rubbed away the blood. In cross-examination she says she always told the same story. Did she ever say Thomas Higgins was never there? How could she say that, she answers, when he was there. She didn't say a man named John Joyce was there. She knew well the reason her husband was taken, because the murder was committed at the back of her house. That was the reason her son was also charged. She didn't say one word while her husband was in jail until he told himself. She put an armful of hay upon the blood, pressed it down to soak it up, and washed it away with water. They would be near Macken's house, where the boreen and the public road came on, when she began to clear away the blood. She said she did not wish it to be there. Is not sure whether her husband told her or not. She did it. She went outside the door, and was out well when she saw Joe Huddy knocked down. At that time she saw Patrick Higgins knock him down with a stone. It was when she was in the street she saw him. When she went out, that moment she saw Patrick Higgins take a stone off the road and hit him. Points out the same spot on the model where old Huddy had fallen. She did not know what day Joe Huddy would come. The master told her a process would come, and in the meantime she was trying to make up the rent. Sure they knew well the process was to come since the master told her. She knew it was coming for the master told her, but she did not know what day certain he would come. In re-examination she said she was examined in this Court twice before, and was sworn in Galway on the 14th October. She was asked did she ever name any person else than these three men and she did not. Joe Huddy did not serve any process that day in their house. He was not let do it. To a juror she says she has no knowledge where the chieve was got in which the old man was taken away. The basket was not hers. Then Matthias Kerrigan, the son, was examined, and he recollects the morning the Huddys were murdered; he does not know the day, but it was coming on Christmas. He had gone for a load of turf with an ass and a pair of panniers straddled. When coming back he saw three men on the boreen. The old man was murdered, and Michael Flynn and Thomas Higgins were murdering the boy at the back of the barn with shots. It was Thomas Higgins shot him. The old man was put into a basket. Does not know where it was got. Patrick Higgins and Michael Flynn put the body of the old man into a chieve, and the body of the boy was put into a sack. Thomas Higgins caught him by the collar and said "Hoist this upon you." He said he would not. "Do," said Thomas Higgins, "or you will not be thankful." He had a revolver in his hand. He did not see any revolver except with Thomas Higgins. The old man was killed at the time. He only saw the one with Thomas Higgins. Patrick Higgins and Michael Flynn turned down the boreen, and Thomas Higgins put the sack on his back and they went down the boreen also. They met Patrick Mannion, who came out of James Corbett's, and Patrick Higgins (Sarah) came up. When Thomas Higgins met Patrick Mannion, he caught him by the collar and pulled him out on his knee, and said, "Hoist this upon you," and the sack was taken from witness, and put on Mannion's back, and taken by him to his own cross-roads. They were trying to hoist it on him, and push him on, and then they put it on Patrick Higgins (Sarah). Mannion then turned into his boreen, and witness into his. He saw Patrick Higgins (Sarah) again, as he was drawing turf beside his own place. He was on a hillock, and Patrick Higgins was on another hillock close to Corbett's. Cross-

examined, he says he was in jail for the murder—about a fortnight or three weeks in Galway. He said, he had to go a very good distance to the bog, half an hour or three quarters, sometime before the sun had risen he went. It was just by Corbett's house that he saw Patrick Mannion, "he did not know he was in Corbett's house," he did not go in there. When he came back, the blood was cleared. Mother said she had cleared it. To a juror—"The prisoner is the man killed the boy." Then comes the young boy, Martin Kerrigan. He did not know the old man or the boy. He was going to his father with a basket, when he saw Pat Higgins knock the old man down with a blow of a stone on the back of the head. Thomas Higgins and Michael Flynn came up, and put shots into him. The boy ran as far as the back of the barn, and Michael Flynn followed him, and he was knocked down, and Thomas Higgins put shots into him. The body of the old man was put into a clieve, and Michael Flynn hoisted it upon Patrick Higgins' back and they carried it off. The boy was put into a sack, and his brother came with a load of turf, and Thomas Higgins wanted to put it on his back and said, "If you don't you will be sorry." He was made to put it on his back in spite of him, and they went down the boreen, and he, witness, went into his own house. Thomas Higgins went on. Saw two revolvers, one with Michael Flynn, and the other with the prisoner. His brother came back shortly. His father and mother cleared the blood at the back of the barn and dwelling. Point out the place where the bodies were, and the same spot where the old man was stated to have fallen is pointed out by him. In cross-examination, he said, his father was in the barn door, and called for him with the basket. His father was a little bit out of the barn door. He made a deposition in Galway, and he did not say he was in the house when the shots were fired, and he said immediately, "that is not so," but what he says now is truth. He was then asked did he swear that he saw the stone or shot in Galway, he answers, he swore more in Galway than was stated in the informations, and he swore, he saw the men in the boreen and what they did. He knew that his father and brother were in jail charged with the murder of the Huddys. The police were talking to him about it. He was asked what he said when the police came first, and he said he saw nothing about it. That was a lie, because he thought his father would come out soon. He said what was untrue, because he believed his father would come out. Tom Finn often asked him. He did not say to Tom Finn that his mother was at Luke Kerrigan's, at Bohawn, that day—am I right in that Mr. Solicitor-General?

The *Solicitor-General*.—That is my recollection, my lord, but I am not sure.

Mr. Justice O'BRIEN.—I think I am right; it is a little obscure, but he denied that he said his mother was at Luke Kerrigan's, at Bohawn, looking after a sick child. He said she was not there at anytime. There was a sick child at Luke Kerrigan's, and he said he did not say that his mother went to Luke Kerrigan's at any time. A juror asked—did any one tell him not to say anything about it, and I understood him to deny that any person told him that. He appeared to hesitate, but I understood him to deny that any person told him to say that he knew nothing about it. That was the reason the mother was recalled. He told in the first trial that his mother cleared away the blood, and she did so. And then the mother was recalled at the desire of the prisoner's counsel, and she is asked did she know Pat Corcoran in Galway. She did. Was she in that house after some of the Cloughbrack men were discharged? She might have been. And did she say that she was not in her own house that day, but was at Luke Kerrigan's? She denied that statement. Did she say so to the police? Was she not looking at the transaction herself, and how could she make that statement. She was talking to Mr. Burke, the agent. She was not talking to him except that her husband was taken in the wrong. She did not say to him she was at Luke Kerrigan's. There was a woman who saw her clearing the blood, and John Macken, and she bears the truth of her whole statement upon that they say whether they saw her. She did not know that Luke Kerrigan had a sick child, and to me she answered if she said she was there on that day it would not be true. When asked by the police, she did not let out what she knew. To a juror she said she did not know whether or not she told her son Martin not to tell, and then I addressed myself to her, and to me through the interpreter she said she did tell the children not to say anything until they saw father; and no person could have doubted from the boy's statement and the way he answered the question, and from her own original statement that she did tell her children not to say anything about this matter. Then John Halloran is examined, and his son, John Halloran, junior, and their evidence in short is this, that they lived some distance, about one hundred and fifty yards from Kerrigan's

house, and hearing one or two shots fired upon the day of the murder, the father and son's attention was directed to it, and having left in the barn some corn at which they were working, they came to a point seventy-five yards from Kerrigan's house, and looked down in the direction of Kerrigan's house, and they saw—the father says three men; he said in his deposition in Galway, three or four men and the son to-day in his examination, says three or four men—directly close to Kerrigan's house, in the boreen, but could not tell who they were; and they both prove having seen Patrick Higgins (Long) not at present on his trial, at a point convenient to his own house, at the boundary of his own land, defined by the continuation of that wall at one side of the boreen and a corresponding wall on the other—he was in the immediate vicinity of that on the boreen, in the immediate vicinity of that wall near his own house; and the Crown do rely upon the fact, that you have the statement of the witnesses John Halloran and his son, neither of them certainly disposed to give much evidence in favour of the Crown, turning away from what they saw that day as they did turn away, unquestionably under the suspicion that something very wicked and bad was going on, and not desirous of giving any superfluous information upon this table that will press upon any person accused of crime at all—the Crown do rely upon it nevertheless that they were both coerced to say that there was, and when their attention was directed to it Patrick Higgins on the boreen who is brought by the evidence of the Kerrigans into direct participation in this crime. And so it is a confirmation of the accuracy of the Kerrigan's statement. They could not tell who the other persons were. They gave a hasty glance, retired, and meddled no further with the business according to the advice given to so many that day, not to meddle in the business. Then comes next the old man, Patrick Mannion, whose evidence of course is of the last importance in this case. You saw what kind of person he appeared to be, not bright, rather a heavy and simple man, and apparently not disposed to consider very particularly the effect or bearing of anything he said, whether it bore for the accused or the Crown. And he certainly gave a narrative of his part in this transaction that seems very difficult to reconcile with any explanation other than it was evidence given by a man who had seen with his own eyes what he states. He was coming out of Corbett's house, which was not an asylum in which he might have taken refuge from this coercion, as counsel for the accused described, because, as the Solicitor-General stated, there was in that house only a bed-ridden man whom he had gone in, from a friendly feeling, to see, and who had not come out of the house for years. He was coming out of Corbett's house. Had his own breakfast done. He lives lower down, nearer the lake than Corbetts. When coming out of the house he met Thomas Higgins, Patrick Higgins, Sarah, and Matthias Kerrigan. He identifies Pat Higgins, Sarah, produced for the purpose. They were coming from the direction of Kerrigan's house. Thomas Higgins caught him by the collar and said, "come out here," and he pulled him out, and he had to walk with him. Thomas Higgins took the bag off Kerrigan's back and put it on witness, who was badly able to carry it, that he hoisted it on him and told him to walk out, and he said, he was not able, and when he was walking down to a little below his own boreen, Thomas Higgins went to hoist the bag on him as if to prevent its falling off and keep it on his back, and he fell on his knee, as if the push threw the old man upon his knee with the weight. And he then turned away home, and the prisoner and Pat Higgins, Sarah, carried away the bag. The witness turned back and turned up to his own house, and Matthias Kerrigan, returned also to his own house. In cross-examination he says, he did not know the Huddys were coming that day. He did not know there was anything in the bag until he was hoisting it on his back, and he saw the shoes peeping out, peering out, and he thought there was something wrong, it was when putting it on his back, that he saw the shoes. Up to that he did not know what was in it. People came into his house asking about these people. There were people there that day. He was asked did the police come and what he said to them, and he said he had no information, that he knew nothing about the business. He was not talking to Kerrigan before he made his information. He made it in Galway on the 14th October, Matthias Kerrigan was in jail—that is the father. He was not talking to the family, except to salute them when he met them on the road; nor was young Kerrigan ever talking to him. He knew it was a person was in the sack, and he was frightened. He did not know whether it was a person young or old, or whether it was young Huddy. It was little trouble it gave him. That was interpreted by counsel for the accused as an expression of inhuman indifference as to whether any person was killed or not, but which I rather interpret to mean that he was unconcerned who was the person, or what was the body, or whose body was in it, he was so apprehensive and frightened about his condition at the time. When he came out of Corbett's house they were there. There was only a bed-ridden man in the house. On his oath, the persons were young Matthias Kerrigan, Thomas Higgins, and Pat Higgins (Sarah). He describes the

distance he carried the sack. His own barn was equidistant from the spot where he carried the sack, and from Corbett's house. If that evidence be true, the evidence given for the defence—all the evidence given for the defence—entirely fails to establish the innocence of the prisoner. If it be true, it makes out the evidence against him completely. He was then engaged in the business of disposing of this body. He was the person who, according to that account, assumed the command of the enterprise. He was there in the company of that young man, Matthias Kerrigan, and if you are to leave the evidence of the Kerrigans out of the question altogether, and rest upon the evidence of Patrick Mannion alone, it would be a serious matter for your consideration to come to the conclusion that that evidence alone established the case against Thomas Higgins—if you were to leave out of the question every other fact adduced by the witnesses. Beyond the witness, beyond Patrick Mannion, beyond the weight you are to attach to his testimony, beyond the weight you are to attach to the testimony of every single member of the Kerrigan family, who all swear this man, Thomas Higgins, was there, is the evidence of another witness who is not examined, another witness who is not examined, Patrick Higgins (Sarah), is proved by Matthias Kerrigan, proved by the father and family to have gone along that road, proved by Matthias Kerrigan to have joined him at Duggan's, proved by Patrick Mannion to have been there when he came out of Corbett's house—he is accused here, or liable to be accused of the crime of being accessory after the fact of this murder. He cannot be examined by the Crown, he could be examined by the accused or on his behalf. He is in the dock, in this court-house, in this building, and it is not too much to say that he holds the life of Thomas Higgins in his hand. He could tell whether Patrick Mannion, Matthias Kerrigan, and Thomas Higgins were there, and he is not examined. Now, let me pass on a little further. I pass over the formal evidence given by the other witnesses, and I pass over the evidence of Dr. Hegarty, it is so recent in your recollection, although of very considerable importance in the case; because it shows, as the Solicitor-General has so strongly impressed upon you—it shows by evidence that cannot be questioned in any way, by the wounds that remained in the body of the old man, and the wounds found in the body of the younger man, that several persons were engaged in this crime; that several persons, several men, were engaged in this crime; that there were more than one revolver used on that occasion. Several different shots have been found on the bodies of the deceased persons; and that, if there was no other evidence, disposes of all suspicion and imputation, or suggestion, that Matthias Kerrigan and Matthias Kerrigan's wife, and his son, Matthias, that came from the bog with the turf, as stated, and that other young lad, could have been the persons who did the deed—even if you were to leave out of consideration the evidence of the Hallorans, who saw the men there at the time, and other men engaged in it. Now I come to the evidence given on behalf of the accused—the evidence, first, of Julia Halloran, his sister. She says she is sister of Thomas Higgins, and is married; herself and her husband lived at Cluggan, about five miles distant from where the prisoner lived. Her husband is a flannel weaver. In the beginning of January he had frieze in the loom to work for the prisoner. On the Monday she went to look for more yarn. She was asked was that the day before the Huddys were murdered. She says it was the day before little Christmas day. About two o'clock she says she got to her brother's house, the thread was not spun, and she remained at her brother's house that night and slept there. She got up about one hour or an hour and a half after daylight. She was the first to get up. Her brother is married and has one child. He got up, said his prayers, washed a pot of potatoes for breakfast, and washed another pot of potatoes to put down for the pigs. She remained till dinner time. The prisoner remained till the potatoes for the pigs were boiled, and then he took away a basket and shovel and remained drawing potatoes from the pit. So I assume he remained the whole day. She could not see the pit from the house. She was spinning wool. She could not see the pit, but she could see her brother coming from the pit, which was about half an acre from the house. She did not see him every minute, but he was not more than a quarter of an hour any time away without her seeing him. It was now night when she left, according to the girl Sarah Laffey. Cross-examined by the Solicitor-General she says she slept in her brother's house; there was no room but the kitchen, and no bed but the one the husband and wife slept in, but one was prepared for her by the wife. She waited till the next day for the thread. Did not know whether it would be ready, but did not intend to go home that night. The prisoner washed the potatoes; recollects particularly his saying his prayers, or going on his knees. Sarah Laffey was there before the prisoner got up. There were three women there; it was the prisoner strained the water off the pot of potatoes, washed another pot and put them down and pounded them for the pigs, and he was smoking while the pigs were eating them. They had bread and butter and tea

for dinner. After breakfast he was drawing potatoes in a cleave, and some he put under the bed and some in a loft. She could not count how many times he went in and out. How long before the 3rd January was it that she was there before? She was not sure whether it was a month or a quarter; it was not six months before that she came to visit him. Nobody was there on the former occasion. Did any person call at the house on the 3rd January? She saw no person but Sarah Laffey. Was often out at the door; the house is close to the road, but she saw no person pass along that she knew. There were two doors to the house at that time. She was spinning all the day till ready to go home. She said there was more than two wheels that day. She does not know where they were got, but one was got for the occasion. She saw four or five wheels when people assembled to spin. She was asked where the other wheel was got, and she said the wife got it before breakfast. Sarah Laffey was there that day, and she and the wife came to see her off. On the way to Cornamona, she met only two gossouns, whom she did not know. She met them on the Cloghbrack side. Did not go down to America—took a short cut by Stephen Burke's. She does not remember the last time she was there at her brother's house. A Sunday was the last day. She saw plenty of people, but thought she had no occasion to think of them. To a juror she said she rises sometimes at six, sometimes at seven, sometimes later, according as she is well. Immediately after Sally came in, the prisoner got up. She had only to go two miles to Cornamona. She called at no house—there was none to call at. To another juror she said, when asked, "Is it usual for a husband to prepare the meals?" "He was leaving the women to attend to the wool." That was the reason she gave for it. She says her father-in-law lives with her—named Halloran—with witness and her husband at Cluggan. To the Solicitor-General she says her own father's house is close to John Macken's. The door of her father's house was locked on Monday. She does not remember the names of the people who told her the police were looking for the Huddys. She had her dinner done when they came and told her. From Stephen Burke's house the short cut begins, and that is a quarter of a mile from the house of the prisoner. Asked what she said to the people about the Huddys, she said to the people, who told her that they were looking for the Huddys, that they were looking for them also at Cloghbrack. She afterwards seems to explain that, as I collect from the comment of the Solicitor-General, by saying, she was told at her house, at Cluggan, by Cloghbrack people, they were looking for them there. Asked, did she pass near Halloran's house, she said she did not call there, it is a considerable way behind. Asked to point out the situation of Thomas Higgins' father's house, she points it out on the Clonbur-road. Sarah Laffey, the next witness, lives half a mile away from the prisoner, and remembers the day before little Christmas. She is asked did the prisoner's wife come to her that day, and she said she was talking to her and asked her to come the next day. She accordingly did come the next day. She was asked what hour she got up, and she said half an hour after daylight and went to the prisoner's. The prisoner's sister was there, and had the house swept and the fire down. Thomas Higgins was still in bed. Afterwards the prisoner got up. He was sitting down a little while upon the hearth smoking a pipe, and he put down a pot of potatoes for the pigs and fed them, and then took a shovel and basket for potatoes, which he was drawing till evening. She saw him taking them from the field outside. It was near being night when Sarah Laffey left. The prisoner was in and out all day. She was spinning the wool. It is a fact that about three weeks ago three policemen came to her father's house, one of them Sergeant Ruddan, and she does not know the names of the other two. The conversation she was about to tell when counsel for the accused interfered and she was not allowed. She lives close to the hut and knows the police in uniform. She knows the sergeant, and has been accustomed to see him for five or six months. Was afraid he would take her with him, that is, take her into custody. The red sergeant, she was not afraid of him. She was afraid when he spoke to her about the Huddys' murder. She was spinning before breakfast. Did anyone tell her that Julia Halloran had two wheels? Nobody spoke to her about what Julia Halloran said here. The prisoner here owned one of the wheels, and the other was the wife's father's. It was there before she came. No person came into the house or along the road that she knew. Michael Flynn did not call. She did not hear of the Huddys' murder till Wednesday. Julia Halloran and she were in this town. They were not talking about this murder when they heard it. Did she not know the prisoner to be in jail for a long time? She heard he was in for the murder of the Huddys. The wife was not talking to her about spinning the day the Huddys were murdered. She did not meet Julia Halloran since the day of the spinning. She never span any other day there. The wife did speak to her. Now, she was pressed particularly about this conversation—the wife of the prisoner did speak to her, that she could prove that he was at home

on the day of the murder, that she, Sarah Laffey, should prove that he was at home on the day of the murder. She met her one day, that is, the witness met the prisoner's wife, one day, or the prisoner's wife met her, and the prisoner's wife told her she could swear she was one day spinning there. In that statement she did not name the day of the murder, but one day spinning there. That was all she told her—that she could recollect she was one day spinning there. The wife did not say that was the day the Huddys were murdered. Did the wife say why she reminded her of that, and she said she did not. Did the wife say—"Recollect you were spinning the day the Huddys were murdered"? She did not—the wife merely said she was spinning. That was that Sarah Laffey was spinning one day at her house, and that she, witness, recollected that was the day the Huddys were murdered. It was a good while after. She did not speak to her—it was only once. She said the husband had been in jail for five or six weeks. She did not know particularly how long after January—since last summer she talked to any person, but to the police at Fair Hill. It was in the barrack she made some statement. She told them something in the barrack, it was in Clonbur barracks, Sergeant Ruddan asked her what day the Huddys were murdered, and did she see the prisoner that day. She told him a lie, that she did not, through fear of him, that she was at home all that day. She told him she did not go to the prisoner's house, that she did not leave her house on that day, and that it was all false to say that she had been spinning wool. Now, if she entertained this apprehension in her own mind of Sergeant Ruddan I cannot see any reason, the prisoner being in jail, and she being in possession of information, how this motive of apprehension of the police in any degree operated upon her mind to induce her to make a false statement when a true statement would have tended to release the prisoner from jail. She did not know the sergeant a month before; she told him only once. It is more than a month since she made that statement. It was made on the 18th October. She is asked—did she know the prisoner was in jail charged with the murder, and she said she did. Was she not as much afraid of the police at Clonbur, and she says not. That statement was made to Sergeant Ruddan, in her own house. There was another policeman with the sergeant, and her father and mother were there. Ruddan asked her did she see the prisoner on the day of the murder, and she said she was in her father's house on the day of the murder. He was stationed there all the summer, and she saluted him several times when they met at mass. To a juror she stated she heard from the scholars of the school for the first time of the murder, and she was doing nothing upon the Wednesday or the Thursday at all. She was recalled after the adjournment, and she tells the jury that she went from her own house to Clonbur on the fair day of Maum last month. Thomas Higgins' wife was with her. She went to the Fair Hill, and she went into the barrack. The prisoner's wife was with her. The sergeant at Cloughbrack referred her to the Clonbur barracks. She was taken to Cloughbrack, and told to go to Fair Hill. She went to the prisoner's wife's father's house. No person went with her to the prisoner's father's. The police were behind her. She told the prisoner's wife the police were taking her to Clonbur. They were not in view at all. The police were a little before and behind her. The police did not speak to her at all. Constable Dogherty told her she was wanted at Clonbur. She went to his house on the boreen, and then to Cloughbrack, and the prisoner's wife remained till she came out, and she came back with the prisoner's wife and another person. Then Constable Ruddan was examined. He went to Cloughbrack in July last. He knows Sarah Laffey. She lives two short miles from the barrack. He said he bought socks from her on one occasion. He went to her father's house in October last, and left a memorandum containing a statement she made to him; Constable Fitzgerald, was with him, and he said nothing to frighten her. He asked her where she was on the day of the murder—and he was in the same uniform; he was often in and out of the house; he said the sock transaction was in the summer, Constable Fitzgerald was there to interpret for him; he was there at the same time with Sergeant Ruddan, and did not see that the girl was under any apprehension. She was under none apparently at the time. There was no important answer of any kind given by the constable when recalled. He was asked when the prisoner was arrested, and he did not know particularly himself, for he was only stationed there for a short time. Now, that is the substance of the evidence on both sides—given in support of this defence of *alibi* to which I have referred you. I have referred you to the kind of infirmity that may be supposed to arise from it, having regard to the evidence this woman gives, as to the way she was engaged that day. What brought her there. The evidence given by Sarah Laffey, having denied upon another occasion that she was in the house that day, and that if she had told the truth upon that occasion it would have tended to relieve the prisoner from a great danger. And in addition to all the evidence given on both sides

you will, when you come to deliberate upon your verdict in this serious and solemn case, have to consider several facts altogether outside the evidence. You will have to consider, as I have stated already, the nature of this crime. It is conceded, apparently, in the defence that in order to furnish the Kerrigan family with a motive for the dreadful crime of endeavouring to fix this accusation upon an innocent person they must have been the authors of this murder. The way that is sought to be made out is partly because Matthias Kerrigan, who was arrested upon this charge—arrested first upon the charge of murder, afterwards arrested under the power given to the authorities to arrest a man without a specific charge, arrested on a warrant charging him with this murder; then he was released sometime in September, being re-arrested—released perhaps because so many were about to be released, then re-arrested again on this charge of murder, and he was held almost to the last moment by the police, upon this charge, as they did hold him; and you are asked to found upon the supposed instinct and intelligence, and sagacity of the police, in discovering who was the real guilty party, and keeping this man so long in jail, that it was their conviction he was the guilty party. But of course it would not suit the case for the accused to be met by the argument, that if the police had entertained that idea they changed their mind and released him, and the authorities have since fixed upon another person, namely, the prisoner at the bar and others acting with him, as the person whom they have determined finally to make responsible for the crime. You are also pressed with the argument, that during this long period of time he remained in jail, he never made any statement as to the circumstances connected with this crime. Many reasons might exist for that, he might have considered himself, as I have had occasion to observe—the state of things that then existed outside, and the state of things that existed in courts of justice, and the too common example of impunity, before the power arose of trying him in a different locality from where the murder was committed—he might have considered he was a thousand times a safer man accused than he would be accusing. And he might have been under the impression that if he was out of jail with the report that he had given information to the police as to the party who committed this murder his life, would not have been safe for a moment. He might or might not have been under that impression. But he was not the only person that remained silent, he was not the only person that kept this secret. No single person in that wide and populous district, although the circumstances of the commission of this crime, and although all the circumstances connected with the means taken to conceal the crime and dispose of these bodies must have been known to a great many people, they were all bound up together in one confederacy of secrecy and silence. And not merely did Matthias Kerrigan not tell the story, but no human being told the story, and you have evidence here that they were all engaged in a secret understanding or conspiracy to give no information to the police at all. The wife of Matthias Kerrigan was herself a person closely connected with some of the alleged criminals. She was the first cousin of Patrick Higgins, her own next door neighbour; and whether it was to save him from this charge, or to save herself and to save her family, and her own children, then left without their father, from danger in case she made any discovery, she appears, as she reluctantly stated, to have impressed upon her own children not to state anything at all until they saw father. And, therefore, it would appear to me that the argument that Matthias Kerrigan during the long time he was in Galway Jail did not disclose the matters now stated, is one that deserves very little consideration, when you consider what was the conduct and demeanour of every other person in that locality in relation to the crime, and not merely in that locality, but in the length and breadth of this country, wherever agrarian crime was committed. Now, what is the next matter said against Matthias Kerrigan in support of the charge against them—that they had a motive for the commission of this crime and the motive was the service of an ejectment on account of this considerable arrear of rent due by him in company with the other tenants to Lord Ardilaun, and the service of the writ. It would be a strong thing to say that so very common an event as the service of an ejectment upon a tenant would necessarily inspire him with the design of committing this atrocious crime; and although there is alleged to have been engaged in that crime a person upon whom an ejectment was stated to have been served, and although that motive might have existed in the mind of that person, and may have caused that person to have been sought out as an ally in the commission of this murder the suggestion which the Crown offer to your consideration upon the whole facts of this case is that that motive was not the only motive at all that led to this crime—not the service of an ejectment upon a tenant on Lord Ardilaun's estate but that from the nature of that crime itself, the persons alleged to have been engaged in it were persons who stood outside the operation of that motive entirely, and were under the influence entirely of another motive—a general combination

that existed at that time against the law in all forms, against any interest connected with it, and the determination existing and exhibited in so many forms, to spread the conviction that it was impossible that the law could be enforced, and to spread that by means of the commission of crime. Had Kerrigan any such motive at all? All the appearances upon that road, if all the statements made as to where the blood was, as to where the elder Huddy was knocked down and his life taken, he never had reached the house of Mathias Kerrigan at all, and the time had not come to serve that ejectment. As the wife said "he was not let serve it;" she swears he was not served, he swears he was not served, and the man's life is taken at a point when the time had not arrived for the service of it. And if it could be suggested at all that even the service of the ejectment, if it had taken place, would give rise in the mind of Kerrigan and his family to this dreadful design of taking away the life of the old man and his grandson. It is more in accordance with experience that a man and his wife and his sons, one of these being a mere child, should have assailed the two men, not upon the public road, but within their own house, with more instruments for its commission and more facilities for securing secrecy. Now, on the other hand, bear in mind what was so strongly pressed upon you by the learned Solicitor-General and council for the Crown, that there is found upon the body of Huddy when recovered that original ejectment which would provide a kind of evidence that would affect Mathias Kerrigan. The existence of that original gave rise to no presumption in point of law as counsel for the accused said, that service had taken place. If there was nothing to explain it—if you found that Huddy had returned to his own house in possession of all the documents except those it was his duty to serve, and found the original for Mathias Kerrigan and no copy in his possession that would give rise to the natural conclusion that it had been served. But when you find the body taken from the lake and find a great number of these destroyed, and find the original service for Mathias Kerrigan upon his person, it gives rise to a strong inference in favour of Mathias Kerrigan, even if such inference was necessary—that he did not provide for his own protection by taking away that document, and that no person in his interest had been concerned in the crime, otherwise the original would have been taken away. Against that argument you have the argument upon the other hand; there was given to him for service, an original, in addition to many others which I need not refer to—an original and copy for service upon Patrick Higgins, whom he had passed before he reached Kerrigan's house, upon whom it was his duty to serve it. If he did not, he would have lost his employment, he was liable to be examined as a witness upon it afterwards, and he was bound to prove that he had served it. He received it for that purpose. He came a long way to serve all these different tenants upon that townland, and you could not avoid coming to the conclusion in any way having regard to the ordinary reason and probability that he had served that ejectment upon Patrick Higgins (Long), in the ordinary manner, before he reached Kerrigan's house, and Patrick Higgins (Long), who has a real motive, if the motive is sufficient, is proved by the Hallorans, as well as by the Kerrigans, to have been upon that road at the time of the commission of the crime. At the same time you have the evidence of Mannion, who also brings to the scene of this crime, about the time of its commission or shortly before, another person named Michael Flynn. He is also named by the Kerrigans in all their evidence as having been engaged in it. They all named Patrick Higgins (Long), Thomas Higgins (the prisoner), and Michael Flynn as being the persons engaged in this murder. And as the Hallorans have brought Patrick Higgins to the scene of the crime, so Mannion brings Michael Flynn upon the scene of the crime; and there you have confirmation of the testimony of the Kerrigans instantly at the point where their evidence is touched, where it comes in contact with—

A juror (*Mr. Russell*).—That is young Mannion, my lord?

Mr. Justice O'BRIEN.—Yes, young Mannion. And above all, and beyond all, in support of their testimony, which must be true unless this fearful motive for a false accusation existed—in support of their testimony you have the unquestionable fact, admitted upon all hands, that Mathias Kerrigan, the father, who is alleged, or suggested, to have been the person who perpetrated this crime, who saw his own son go away with the sack, in company with Thomas Higgins, as he has told you—the man upon whom it lay, above all others, to provide for the concealment of the crime—he never left his own house. His son accompanied the remains of the murdered youth as far as Patrick Mannion's house, and there they left it in the possession of Thomas Higgins and Pat Higgins (Sarge), Michael Flynn and Patrick Higgins (Long) having gone away before, carrying with them the body of the old man in the basket. Can you, consistently with all ordinary experience and common sense—can you consider it actually possible—not probable, but possible—that Mathias Kerrigan and his family would have

been the persons engaged in that crime, and that Mathias Kerrigan would have given no direction about the body; given no direction, never accompanied it, and saw his son return from this desperate employment in which he was forced to engage and never say one word more about it; and is it creditable that persons entirely outside Mathias Kerrigan, unconnected with him, would have taken upon them the hideous and foul business of disposing of the body of the youth and disposing of the body of the elder man, carrying them down to the lake, providing a boat, running it a mile out, and sinking them in this way, that that act would have been done by any but the real murderers. With that observation I will leave the case to you, it is of course an issue, the most painful that could arise to any man performing the function of a citizen in the administration of the law, to determine upon the life or death of a fellow being. If you have a reasonable doubt of the guilt of the prisoner upon the whole case, not a reasonable doubt about the truth of any particular part of the testimony, but on putting the whole testimony together, that for the Crown and that for the accused, and weighing it together if you have any reasonable doubt the prisoner, by the law of our land—whatever suspicion or consequences may happen—is entitled to a verdict of acquittal. You must understand, however, that that must be a real doubt, such a doubt as strong-minded men will entertain and act upon in the ordinary affairs of life, not a doubt arising from the necessarily restricted range of our human faculties given to us for the ordinary affairs of life, not the least of the ordinary affairs of life being the punishment of crime. If the evidence clearly satisfies you of the prisoner's guilt your duty is to find him guilty.

The jury retired at three minutes to one o'clock to consider their verdict. They returned into Court at twenty-two minutes past two o'clock.

The Foreman said—A juror desires to ask this question—"Had Mrs. Kerrigan any opportunity of communicating verbally with her husband in prison prior to giving his information."

Mr. Justice O'BRIEN.—There is no evidence on that point.

The Foreman.—And if so was any person present?

Mr. Justice O'BRIEN.—There is no evidence on that point. There is a rule of the Prison upon that subject. I have it in the evidence of Mr. Mason, in another case, but I will not state that it was. If there be any person in Court capable of stating what the rules of the Prison is I will allow you to ask it. I don't know whether he can or not. The Governor of Kilmainham Prison is in Court, and if you like to ask him a question on the subject I will allow you, but not without the consent of the prisoner's counsel.

Mr. *Murphy*, who had been out of Court, came in, and—

Mr. Justice O'BRIEN, repeated to him what had just passed.

Mr. *Murphy*.—Mrs. Kerrigan was not asked anything on the subject on cross-examination.

Mr. Justice O'BRIEN (addressing the jury)—She was asked no questions about it on cross-examination, or any way. There is no evidence on the subject before you.

The jury retired again, and at thirty-five minutes past two o'clock came into their box.

Mr. *Geale*.—Gentlemen, have you agreed to your verdict.

The Foreman.—We have.

The names of the jury were then called over by Mr. *Geale*, and they handed down the issue paper with a verdict of "Guilty."

Mr. *Geale*.—Thomas Higgins (Tom), you have heretofore stood indicted for that, you feloniously, wilfully, and of malice aforethought, did kill and murder one Joseph Huddy. To that indictment you pleaded not guilty, and put yourself on God and your country for trial, which country has found you guilty. What have you now to say why judgment of death and execution should not be passed upon you according to law.

The Prisoner.—On my oath, and that is as true as if I were going to stand before my Maker this present moment, I never fired a shot at Joe Huddy or John Huddy, nor at any other man in this world since the day I was born. I lay it before my God that Matthias Kerrigan has sworn falsely. That is all I have to say.

Mr. Justice O'BRIEN.—Thomas Higgins you have been convicted of this dreadful crime, upon evidence so clear and certain, as that in the mind of any person who heard it, no trace or manner of doubt can remain of your guilt. Another person still remains to be tried on this same charge, and I wish to avoid any observations which might prejudice the result of that trial, but it is clear, at all events, what the extent of your criminality was. You bore a chief, and cruel and bloody part in this bloody business of the murder of the Huddys. You are proved to have been a person who fired shots into the bodies of these two men—an aged man and an unoffending youth—neither of whom had done you any wrong, and against whom you had no reason for animosity, killing them as they lay on the ground without pity or mercy. Your unhappy fate

affords a terrible lesson and example to all those who engage in these secret and wicked confederacies from which this crime has arisen. Those confederacies have but one issue—crime, and crime has also only one issue—misery and death. All these conspiracies will come to an end. The law will be vindicated sooner or later, but certainly and finally. The whole web of crime will be unravelled by the Master, and those who commit crime will find themselves involved in punishment. But a little space of time remains to you in life—your days are nearly ended—and that short space of time I implore you to use in preparing for the eternity into which you will shortly pass.

The sentence of the Court is, and I do order and adjudge that you, Thomas Higgins (Tom), be taken from the bar of this Court to the prison where you were last confined, and from thence you be taken to the gaol of the county of Galway, and on the 17th January, in the year of our Lord, 1883, you be taken to the common place of execution within the walls of the prison in which you shall be then confined and that you be there hanged by the neck until you are dead, and that your body be buried within the precincts of the gaol, and may the Lord have mercy on your soul.

The Prisoner was then removed.

Mr. Justice O'BRIEN (addressing the jury).—Allow me, gentlemen, to state for your information, the evidence of Mr. Mason, the Governor of Galway prison, given on another trial, was that no prisoner was allowed to communicate with any of his relatives unless in the presence of a superior officer of the prison.

The Court then adjourned till Monday morning.

THE DUBLIN DECEMBER COMMISSION.

18TH DECEMBER, 1882.

County of Galway.

THE LOUGH MASK MURDERS.

THE QUEEN v. MICHAEL FLYNN.

The Hon. Mr. Justice O'BRIEN sat in the Court House, Green-street, shortly after eleven o'clock, when Michael Flynn, the third of the prisoners charged with the wilful murder of the two Huddys, at Cloghbrack, County of Galway, on the 3rd of January, 1882, was put forward to take his trial.

The Hon. the *Solicitor-General* (A. M. Porter, Esq., Q.C., M.P.), *James Murphy*, Esq., Q.C., and *Peter O'Brien*, Esq., Q.C. (instructed by *George Bolton*, Esq., Crown Solicitor), attended to conduct the prosecution; and

Charles H. Teeling, Esq., and *Richard Adams*, Esq. (instructed by *Patrick J. B. Daly*, Esq., of Ballinrobe), appeared for the accused.

The *Clerk of the Crown* proceeded to call the special jury panels—city and county—and eighty-two gentlemen answered.

Mr. Justice O'BRIEN.—Does the prisoner understand English?

The *Prisoner*.—I understand a few words, my lord.

Constable *Evans*, R.I.C. (Interpreter).—Oh! he has English, my lord.

The *Clerk of the Crown*.—Michael Flynn, we are about to swear a jury to pass upon you on trial for your life. You have a right to challenge twenty jurors peremptorily, and as many more as you can show cause for.

The *Prisoner*.—I will leave it in my attorney's hands.

The *Clerk of the Crown* then proceeded to empanel a jury, the gentlemen called being dealt with thus—

47. James P. O'Reilly, Eglinton-road, ordered by Mr. Bolton, Crown Solicitor, to stand aside.

67. James Whelan, Kimmage-road, stand aside.

63. Henry Booth, 141, Thomas-street, stand aside.

89. Patrick Martin, 38 and 39, Ranelagh-road, stand aside.

80. Walter R. Trevelyan, Clifton-terrace, Monkstown, challenged by Mr. Daly, solicitor for the prisoner.

66. John Alfred Trench, 5, St. James's-road, challenged.

43. William B. Prescott, 8, Abbey-street, Lower.

Mr. *Teeling*.—May it please your lordship, we challenge for cause. Of course, as I said before in the other cases, this is not meant as any imputation whatever—

Mr. Justice O'BRIEN.—I beg to say, Mr. Teeling, that you have no right to make that statement at all—you have no right to make any such statement, and you know that perfectly well.

Mr. *Teeling*.—I said the same before, my lord, in a previous case, and, as I understood, with your lordship's approval.

Mr. Justice O'BRIEN.—You have no right to make any observation at all. Proceed in the ordinary manner to prove your cause. You are exercising a strict right and have a right to exercise it, and it is not a matter that ought to be any prejudice to you, whether you succeed or fail in it.

Messrs. Maurice Leonard and Anthony Devereux were sworn to try whether Mr. Prescott stood "indifferent between the parties to this issue, to try the prisoner at the bar," and

Mr. *Prescott*, being sworn, was examined by Mr. TEELING.

Mr. *Prescott*, from the circumstances of your having served on a former trial, or from any other circumstances outside, having served on a former jury, will you, upon your oath, be prevented from finding a true verdict in this case according to the evidence?—Oh, no, certainly not. But I would prefer not to serve—

Mr. Justice O'BRIEN.—You would prefer that, no doubt; but that is not the question—I know you would prefer to get off, and so doubtless would many others, but I am afraid we cannot excuse you.

Mr. *Teeling*.—I rest satisfied, my lord, with the answer to my question.

Mr. Justice O'BRIEN.—Then let the issue be found that he stands as indifferent between the Crown and the prisoner.

The triers having found accordingly, and handed down the issue paper,

Mr. Justice O'BRIEN said—Mr. Teeling, although I allowed the question in the way you put it, I don't think that is the proper form—"from the circumstance of his being on the former jury" involves a conclusion of law—

Mr. *Teeling*.—I thought I took the form of question from your lordship most carefully.

Mr. Justice O'BRIEN.—No, the form I put it in was—"Except from the fact of his having served upon a former trial, is there any cause," and so forth.

Mr. *Teeling*.—I will take care to follow that form in future, my lord.

Mr. *Daly*.—Now, we challenge Mr. Prescott peremptorily.

31. Maurice Leonard, 94, Thomas-street, stand aside.

16. Anthony Devereux, 132, Thomas-street, stand aside.

64. Lawrence B. Rorke, Clondalkin, stand aside.

23. John Rigby, 24, Suffolk-street, challenged.

49. John Martin, 38, Bagot-street, Lower, challenged.

42. Patrick O'Toole, 1 and 2, Dawson-lane, stand aside.

89. Wm. Coleman, 3, Liffey-street, Upper, stand aside.

24. Henry Shaw, 12, Burgh-quay—

Mr. *Teeling*.—My lord, in this case we also challenge for cause.

Messrs. Joshua Bewley and Francis Ormsby having been sworn as triers.

Mr. *Shaw* was sworn, and examined by Mr. TEELING.

Mr. Shaw, I believe you served on a former jury in these cases, in which there was a conviction?—I did, sir.

Well, now except from the circumstance of having served on that jury, or from any other circumstance outside the fact of having served on that jury, will you be prevented from finding a true verdict according to the evidence?—Well, I have formed a very strong opinion upon the subject—

Will you just state what your—

Mr. Justice O'BRIEN.—I beg your pardon—state his opinion, is it, Mr. Teeling? To the juror.—It is not a question of whether you have formed any opinion or not. You know your duty will be to find a verdict according to the evidence in this particular case which we are about to try, and do you swear on your oath that outside the fact of your having served on a former trial, which you have to leave out of consideration altogether, there is any cause to prevent your finding a true verdict on the evidence to be produced before you?—There is not, my lord, no cause outside that fact.

The triers accordingly found by direction that the juror stood in different.

Mr. *Daly*.—Now we challenge Mr. Shaw peremptorily.

2. Joshua Bewley, Cross-avenue, Blackrock, challenged.

100. Francis Ormsby, Kingsbridge Terminus, challenged.

25. Henry Warren, 28, Leeson-street, challenged.

35. Bernard Rispin, 34, Eccles-street, stand aside.

12. Thomas Gill, Coolock, stand aside.

27. Samuel H. Close, 31, Henry-street, challenged.

74. Samuel Smalbridge, 55, Seville-place, stand aside.

45. William Lyburn, Lower George's-street, Kingstown, stand aside.

58. Henry Hayes, Vico-road, Dalkey, challenged.

70. William Doyle, Lower George's-street, Kingstown, stand aside.

13. Benjamin Warren, 19, Molesworth-street.

Mr. *Teeling*.—We challenge for cause, my lord.

Messrs. William Glenn and Michael Roe, having been sworn as triers.

Mr. *Warren* was sworn, and examined by Mr. TEELING.

Mr. Warren, you served, I believe, on a former trial in one of these cases?—Yes.

Now, excepting the circumstance of having served on a former jury, or from any other circumstance outside the fact of having served on a former jury, will you be prevented from finding a true verdict according to the evidence?—No.

Mr. Justice O'BRIEN.—Then the triers will find that this gentleman stands indifferent.

Verdict accordingly.

Mr. *Daly*.—We challenge Mr. Warren peremptorily.

43. Robert Hutton, 2, Kenilworth-road, challenged.

27. Mr. Glenn, 83, Pembroke road.

Mr. *Teeling*.—Were you on a former jury, sir?

Mr. *Glenn*.—I was.

Mr. *Daly*.—Challenged, then.

Mr. *Teeling*.—My lord, we don't want to waste time—

Mr. Justice O'BRIEN.—You say that very late, I perceive.

52. Michael Roe, 28, Earl-street, challenged.

15. John Lord, Farmley, Dundrum, challenged.

57. Joseph Martin, 48, Fleet-street, stand aside.

10. Henry E. Phillipson, Stafford-street, challenged.

54. James M. Cole, Upper George's-street, Kingstown, stand aside.

67. Thomas W. Rutherford, James's-street, stand aside.

11. Patrick Forde, Forrest Great, Swords, stand aside.

70. James Booth, jun., 26, Ship-street, challenged.

50. Thomas Ovens, Merchant's-quay, stand aside.

56. Ambrose Coffey, Bridge-street, Lower, stand aside.

97. Patrick Ryan, Townsend-street, stand aside.

6. Charles Kendall, Gardiner-street, Lower, stand aside.

61. James Martin, Drumcondra-road, stand aside.

86. Henry Wigham, 35, Capel-street.

Mr. Justice O'BRIEN.—I suppose, Mr. Murphy, we will excuse Mr. Wigham, as we have already excused him?

Mr. *Murphy*.—Very well, my lord, we excuse him.

38. William Henry Bewley, Rockville, Blackrock, challenged.

96. John Miller, 29, Church-street, Old, sworn.

12. Joseph Shannon, Camden-street, stand aside.

53. William Slater, 58, York-street, stand aside.

44. Charles King, Templeogue, being called, said—My lord, I served on a former trial, too.

Mr. *Teeling*.—Very well. In consequence of that, I challenge for cause—just to see what your statement means,

Mr. Justice O'BRIEN.—I thought you had announced your intention a moment ago not to be wasting time.

Mr. *Teeling*.—If the gentleman said nothing I would not have interfered; but I don't know what he may mean by the statement made.

Mr. Justice O'BRIEN.—Proceed then and prove your cause.

Mr. *Teeling*.—If your lordship would put the question to the juror without putting us to the necessity of having triers sworn, I would be quite satisfied.

Mr. Justice O'BRIEN.—Certainly not; let the matter be tried out in the usual way. Appoint triers, and swear Mr. King.

Mr. *Teeling*.—I don't require him to be sworn at all, my lord.

Mr. Justice O'BRIEN.—But I require it, and moreover, I cannot ask him any question until you have triers.

Mr. *Teeling*.—By consent, and to save time—

Mr. Justice O'BRIEN.—No, I will not allow that; you must have two triers sworn; you cannot act on a consent in a criminal case to try any issue at all.

Messrs. John Francis Donnelly and Edward Lynch (Lucan), having been sworn as triers.

Mr. *King* was sworn, and examined by Mr. TEELING.

You served, Mr. King, I believe, on a former jury in these cases?—Yes.

Well, notwithstanding or excepting the circumstance of having served on that former trial, or from any other cause outside the fact of having served on that former jury, will you be prevented from finding a true verdict according to the evidence?—No.

Mr. Justice O'BRIEN.—Then the verdict will be, gentlemen triers, that the juror stands indifferent by the issue.

Verdict accordingly.

Mr. Charles King was then sworn on the jury.

10. John Francis Donnelly, Blanchardstown, Stillorgan, stand aside.

60. Edward Lynch, Springfield, Lucan, stand aside.

86. Henry Smith, Capel-street, sworn.

36. Robert Shaw, 62, Mount-street, sworn.

46. Robert White, Frederick-street, sworn.

36. R. S. Tresilian, Lower Sackville-street, stand aside.

28. Bartholomew C. Russell, Palmerston, Hazelhatch, stand aside.

54. Thomas G. White, Abbey-street, stand aside.

17. Patrick O'Neill, Kinsella, St. Dolough's, stand aside.

29. James Fuller, Dawson-street, stand aside.

18. Alfred G. Jones, 43, Stephen's-green, sworn.

94. Captain Kearney White, Waterloo place, Leeson-street, Upper.

Mr. *Murphy*.—This gentleman was excused.

Captain *Kearney White*.—And I have a summons, my lord, from the Admiralty to act as a nautical assessor on Wednesday next.

Mr. Justice O'BRIEN.—You may favour us with your attendance on Thursday.

Captain *Kearney White*.—I should gladly to attend here—as a

matter of duty—as soon as possible, but the Admiralty case on which I shall have to serve, will last for, at all events, two days.

Mr. Justice O'BRIEN.—Very well, sir, we excuse you.

37. Patrick C. Warren, 1, Capel-street, stand aside.

66. Patrick M. Purcell, 27, Lincoln-place, stand aside.

93. Richard Wilkinson, Smithfield, being called said :—I could not possibly sit out the trial, my lord. I am suffering from chronic rheumatism.

Mr. Justice O'BRIEN.—We will excuse you, sir.

76. John Martin, Lusk, stand aside.

33. Thomas J. Plunkett, Portmarnock House, Malahide, being called said—My lord, I am really totally incapable of serving on the jury. I am suffering from a very bad cold and sore throat—

Mr. Justice O'BRIEN.—A bad cold would not prevent your going to the Ward Hunt to-day—

Mr. Plunkett.—There is not a meet of the wards to day, that I know of—

Mr. Justice O'BRIEN.—But if there was—

Mr. Plunkett.—I would ask you to allow a doctor to examine me, before asking that I should serve, my lord. I have been here every day, my lord, and it was not my fault that I was not on the jury.

Mr. Justice O'BRIEN.—Yes, you were challenged on several occasions—I remember very well.

The *Solicitor-General*.—We will pass Mr. Plunkett for the present, my lord.

45. George Booth, 4, Stephen's-green, sworn.

48. George J. Cockle, Eustace-street, sworn.

63. James Talbot Power, Leopardstown, Stillorgan.

Mr. Daly.—We challenge for cause.

Mr. Justice O'BRIEN.—Let the two jurors last sworn, try this cause.

Messrs. George Booth and George J. Cockle having been sworn as triers.

Mr. Talbot Power was sworn, and examined by Mr. TEELING.

Mr. Power, you were on a former jury, I believe ?—I was.

And excepting the circumstance of having served on that jury, or from any other circumstance outside—

Mr. Justice O'BRIEN.—No, but from any other circumstance.

Mr. Teeling.—That is what I am asking, my lord.

Mr. Justice O'BRIEN.—No, you ask it in an entirely different manner, and have done so several times.

Mr. Teeling.—Except from the circumstance of your having served on a former jury, Mr. Power, is there any cause which will prevent your finding a true verdict according to the evidence in this present case ?—No.

I am quite satisfied with that answer, my lord.

Mr. Justice O'BRIEN.—The triers will find the issue accordingly—Verdict, “the juror stands indifferent.”

Mr. James Talbot Power was then sworn on the jury.

100. Christopher Brady, Liffey street, Upper, stand aside.

2. Joseph O'Neill, Kinsella, St. Dolough's, stand aside.

76. Richard Booth, Stephen's-street, sworn.

73. Edward Ryan, 23, Clare-street, stand aside.

55. Patrick Dowling, Johnstown House, Finglas, stand aside.

83. Charles Coghlan, Kilbarrack Upper, Raheny, stand aside.

77. John Colclough, Duke-street, being called said—I would ask to be excused on the ground, that I served on a former trial, my lord.

Mr. Justice O'BRIEN.—I am aware you served upon a former trial, like some other jurors. What do you say, Mr. Solicitor-General, are you in a position to excuse this gentleman. Of course Mr. Power and Mr. King, and others, might have availed themselves of the same excuse.

Mr. Colclough.—I am quite sure there are other jurors in court who have not served at all yet, who are equally eligible.

The *Solicitor-General*.—I think we can excuse this gentleman. Pass him for the present at all events.

28. John Hatchell, Fortfield, Kimmage, sworn.

62. Joseph R. O'Reilly, Sans Souci, Booterstown, sworn.

The Jury having answered to their names—John Millar (Foreman), Charles King, Henry Smith, Robert Shaw, Robert White, Alfred G. Jones, George Booth, George J. Cockle, James Talbot Power, Richard Booth, John Hatchell, and Joseph R. O'Reilly,

The *Clerk of the Crown* said—Gentlemen of the jury, in Number 2 Michael Flynn stands indicted that on the 3rd of January, 1882, he feloniously, wilfully, and of his malice aforethought, did kill and murder one Joseph Huddy ; to this indictment he has pleaded Not Guilty. Your issue is to try and inquire whether he is guilty or not.

The *Solicitor-General*.—Gentlemen of the jury, the crime which is the subject of the present investigation is one which has been already the subject of inquiry in this court and considerable publicity has been given to the details of the evidence bearing upon it. Some of you will have reason to know from what has transpired in court, have yourselves taken part in the trials of the other persons connected with the murder of Joseph Huddy. I have only, in commencing the few observations that it is my duty to make to you, to ask you one and all to discard from your minds, as far as it is possible to do so, everything that you have read out of court, everything that you have heard in court bearing upon this case, and to commence this inquiry anew—because I have now to remind you that the prisoner, who was of course not represented upon the former occasions, ought not to be prejudiced by anything which has taken place in his absence. He is entitled to have a calm and a perfectly unprejudiced inquiry, and that I am sure you will give to him. It certainly is not an agreeable task for those who are connected with the prosecution of prisoners charged with crimes of this kind, to be obliged to overspan the case, as is the case now, and, as is my duty, the details of these frightful transactions; but still, we have all duties to perform, and you have yours, and we have ours, and we shall endeavour to keep the inquiry within reasonable limits, endeavouring to exclude what is useless or what is superfluous, but at the same time, we know full well that having regard to the solemn nature of the trial, and the important issues which depend upon it, you will not grudge at, however great personal inconvenience, which undoubtedly it is to all of you—such an amount of time as is necessary for the complete mastery and understanding of the details of the case. Gentlemen of the jury, as some of you have not served upon the previous juries, it is necessary for me to state the case to you, and I shall endeavour to do so briefly. And you will understand that in my statement I am only endeavouring to explain to you the evidence that will afterwards be given to you. My reason for saying that in this case with more than usual emphasis is that I find myself represented as having on a former occasion expressed a personal belief in court—a personal conviction as to the effect of the evidence bearing upon one of the prisoners formerly charged, and as having expressed my own view as to the result of that evidence. I beg to say that I never did anything of the kind. If I had done so it would have been most unbecoming, and most improper and would have merited, and doubtless would have received, a rebuke from the bench. Counsel has to appear before you in a position that is purely impersonal. It is my duty to draw your attention to the evidence alone; but it is not my duty to express any opinion as to the conclusion you must draw in reference to the bearing and weight of that testimony. That is for you alone. I would not have mentioned that which is a personal matter but that it concerns the administration of justice here and the mode in which the trials are conducted. Gentlemen, early on the morning of the 3rd of January last, two men left their homes about day-break. Those two men were Joseph Huddy, whose death you are here inquiring into—a man of three score years and ten at least, and his grandson, who was a youth of about sixteen years of age. Joseph Huddy, the elder man, was employed as a bailiff or process server on the estate of Lord Ardilaun—an estate on which, so far as we can form any opinion from the disclosures of the evidence here—there has been very considerable kindness and indulgence shown towards the tenantry. The district of country in which this transaction took place is one of those wild regions in the West, which until recently were inhabited by a peaceful and innocent and virtuous population—a population amongst which crime was almost unknown, and in which deeds of violence were scarcely heard of. I believe there was not in the British Empire, until the last few years, a tenantry more virtuous, more orderly, or more peaceable than that which inhabited the wilds of Connemara. Some of you may have, yourselves, visited that place as I have, and you would have found amongst the peasantry there an amount of courtesy and natural politeness which indicated habits of peace, order, and good feeling. Unfortunately the immediate district in which this crime was committed, has latterly acquired a terrible distinction. Within a radius of a few miles some of the most appalling crimes which have disgraced our human nature of late, have been perpetrated. From Clonbur, the scene of the murder of Lord Mountmorris to Mauntrasna, the scene of another terrible tragedy, the distance is not very wide. Between those two places Joseph Huddy lost his life. As I told you, he left his home, some eight miles from the scene of this crime, early on the morning of the 3rd of January, at daybreak, before the rest of the family were up. A car was waiting for him at his house. We are not able to produce to you any positive evidence as to the driver of that car, because, I believe, he has left the country. On that car Joseph Huddy and his grandson went, for the purpose of serving different ejectment processes on the tenants of farms in the townland of Cloughbrack. I believe, there are three

townlands of Cloughbrack—upper, middle, and lower Cloughbrack, but for our purpose we may call them one. These processes, the details of which will be clearly proved before you as the case proceeds, were to be served in the course of that day. They were for the Oughterard sessions of the 19th of January, and I believe on a calculation—and making allowance for Sundays—it was necessary that they should be served on the 3rd, in order that the proceedings might ripen into decrees. It does not, however, necessarily follow that because a proceeding does ripen into a decree that necessarily an eviction must follow; but as regards the bailiff of the estate, whose duty it was to serve these processes, unless he served them on that day he would have violated his duty, and when he came into Court or to the sessions at Oughterard, or before the chairman of the county, he would have found himself not in a position to do that which he was bound by his employment to do. Accordingly, there can be no doubt that he left equipped with every document which was necessary for the discharge of his duty, and with the full determination of doing it, and with a complete knowledge of the mode in which it ought to be discharged. There cannot be any doubt that his coming in that district was expected by many of the tenants who were in arrears. If any positive evidence to that effect were not forthcoming, anyone familiar with the mode and habits of country life would know full well that the tenants would be on the look out for the passing of the last day upon which ejectment processes could be served, and if it was not known that he was really coming to every one in that place, it was at least and must have long been regarded as a very probable event. Gentlemen, we know he proceeded from Clonbur, a town which, strangely enough, is described by the Irish-speaking witnesses as Fairhill, and by the English-speaking witnesses by the Irish name of Clonbur—but it really is the same place—he proceeded from Clonbur on in the direction of the townland of Cloughbrack, and from what evidence is available to us, we know that Clonbur is in this direction (pointing to map), some six miles away. This, pointing to map, is the main road—it is called the Clonbur-road, leading off to Glantreague, and to another place up amongst the mountains. This is Lough Mask. The points of the compass are north and south, so that this road lay from east to west—along nearly the extreme western portion of the southern shores of Lough Mask. This main road leads from a district, part of which is called America—I really don't know why, but it is so called, and this partly leads to the district that is called Cloughbrack, and you will see from the map that it is tolerably thickly studded with houses, and that the road runs parallel to the margin of the lake, and at a distance of what may be roughly averaged at a quarter of a mile from it. I do not pretend to give you accurately the distance, but I believe it is somewhere about a quarter of a mile, or a little more than that. The country, as you will see, slopes of course down towards the lake. At this point, pointing to map, we believe Huddy left his car, because we find him on foot going down this little lane, which branches off the other road, and this is the first point at which we are able to give you conclusive evidence as to the business that engaged his attention that morning, because the first business he has since he left home is at the house of a person called Bridget Comar. With your permission I will have handed to you, gentlemen, these small maps which are on a reduced scale—

Mr. Justice O'BRIEN.—It is marked on the map, “Mary Walsh.”

The *Solicitor-General*.—It is, my lord. I am going to explain that. [Maps handed to the jury.] If you get the bearing of the Clonbur-road, going beyond it, and taking the first turning, you will find the house of Mary Walsh, a short distance down. That house was inhabited by a woman named Bridget Comar, who was the tenant of that holding, and who, with her daughter Mary, Mary Walsh, and with her husband, called Patrick Walsh, were the inhabitants of that house. There was an ejectment process for Bridget Comar, and Huddy had with him the original and the duplicate of that process. In order to effect service of that ejectment the bailiff would have with him the original process, and he must have with him also a separate copy for every defendant in the ejectment, whom it is necessary to serve. Inasmuch as Pat Walsh was an occupier of the house along with his mother-in-law, Bridget Comar, he got for that house—first, the original, addressed to both, and, secondly, two copies—one for Bridget Comar, and the other for Patrick Walsh. Now, he served the two copies by leaving them at that house, and he took with him the original, which he was bound, of course, to keep—that he was bound to produce afterwards at the sessions, when the chairman of the county, or the county court judge, was asked to act upon it, and which, undoubtedly, he had with him when he left that cottage. Gentlemen, Mary Walsh was the only inmate of that house, and at the time of the service was at home. She was at the time in delicate health. I believe she was not up; I believe she was in bed at the time that the bailiff came with the decree, but she got up to receive it from him, and she took from him the two copies, and he proceeded on his way with the original process and

the other ejectments that he had about him. The boy was there at the time; and in that case I may mention it is the only one in which apparently there ever was an admission from anybody that Huddy had come and effected service at any time upon that day; but he was at that house, and there is no attempt made to conceal the fact, and the copies were produced from that woman's house afterwards. Gentlemen, it was at that time very early in the morning—I mean that it was day-time, when some country people, who are rather early in their habits, were about taking their breakfast—some had not had their breakfast, others had finished their breakfast. It was in or about the breakfast hour. You will not expect that it was possible for us to fix the hour much more accurately than that. From that house of Bridget Comar the two Huddys made their way along in that direction here, and I indicated to the point where you see Patrick Moran mentioned there at a house. There was an original and duplicate process for Patrick Moran. The service of that original and duplicate—the service of the duplicate in that case was effected in the ordinary way by the bailiff who, on that occasion, served Catherine Moran, the wife of Patrick Moran, and proceeded on his way. She is not a very willing witness. We may possibly have to cross-examine her in Court; but you will find from the evidence that she is not able to fix the time that he was there early in the morning. Now, from her house it was necessary for the bailiff to get back to the main Clonbur-road. There is no road up in this direction which I indicate, but there is open heathy ground, and there is there running a little stream, and this led down to Pat Moran's house. And then he following again the boren or lane, which is called the Cornamona-road, which is a bridle road or cart road, and from that point it is almost sure that he made his way over that to the Cornamona-road in that direction, which would take him up again to join the Clonbur-road and the Cornamona-road, which branches off there, which goes to a place called Cornamona Bridge, which is distant about three miles, and which is not shown upon that map. There was an attempt made at the time to follow up a clue by foot marks, and there were foot marks found, but I lay no stress upon that. We could not prove any foot marks, and it makes not much matter which precise route they took from Patrick Moran's; but we now afterwards find him up upon the Clonbur road. Gentlemen, on the Clonbur road you will see houses marked as being occupied by persons named Flynn. Some of the inmates of those houses saw him on the road at an early hour. A man who had made arrangements to leave his house early, and who had finished his breakfast specially early because he had to go a distance—he saw the Huddys upon the road somewhere down in the direction which you will see there down on the map further on at a place called John Macken's. These persons I do not know whether they are related to the prisoner—it is probable they are. The prisoner's name is Michael Flynn. His house is at a point more remote on the road—I believe it is laid down on the map which you have a little behind the house of Thomas Flynn and Mark Flynn between that and the shores of the lake. In that townland of Middle Cloughbrack, at that portion of it, it was the duty of the Huddy's to serve an ejectment process at the house of a person called Patrick Conroy. Now, we have no evidence from the house of Patrick Conroy of that ejectment having been served, but we have proof of the ejectment copy having been given to Huddy for the purpose of effecting service, and there can be no doubt that he did serve it. The whole of his progress on that morning is—so far as it is possible for the population of that district to make it—rendered very difficult indeed to trace, and those who are representing the Crown have had a task of no ordinary difficulty to get any information at all in reference to his movements, for reasons which can be well understood, and which the case will further develop. But there can be no doubt, that inasmuch as it was his duty to affect service of that process, it was done, and he passed up there after passing the house of a person named Higgins, and on to a corner, where you will find the house of John Macken, at which another road or lane branches off. Coming from the main road you will see near the house of a person named Maunion where the boren branches into two. That by the left branch, the left hand as it would be of a man coming from the Clonbur-road, you will see first the house of a man named Michael Corbett; second, Pat Macken's; third, Pat Higgins (Long); fourth, Matthias Kerrigan's; a little further down along that lane the house of a person named Higgins, and at a considerable distance further off still, the residence of persons named Pat Kyne and Luke Kyne. Now, for many of the persons along that boren Huddy had ejectment processes to serve. He had a process to serve for Macken—Patrick Macken. Patrick Macken appears upon that small holding to have had some under tenants, because there were two persons named Kyne in the same lane—it is further down, and it was the place I pointed out on the same boren—who were associated with Macken in his holding; and of the processes for Macken's house, he had first the original, and secondly he had three copies—the original and the three copies. At that house,

at that early hour of the morning, there was undoubtedly no physical obstacle to his effecting service of the process, and there can be no doubt that from what subsequently transpired he did so, although one of these copies was never served, probably because all three occupants were not there at the time. For the next house—that of Patrick Higgins (Long), who is one of those persons charged in this indictment with the murder of one of these persons, whose case has already been tried—he had an ejectment process, and he had also a copy. It was his duty to serve this at that house that morning, and he undoubtedly did pass that house a living man, and he undoubtedly had these documents for the very express purpose of effecting service on it, and it is the common case of all the parties that there was no reason on earth to prevent his serving it there. Therefore, there can be no doubt that he did properly and legally effect service at that point. Gentlemen, the next house on his way was that of Matthias Kerrigan. Up to this point we are not able to give you any specific or distinct evidence of persons who saw Huddy from the time that he left the main road. But now we know what took place, and which we shall be able to prove to you by the evidence of Kerrigan, the inmates of that house, his wife, and two of his sons—and we know now exactly what took place. Before Huddy had time to reach the door of Kerrigan's house, before he had time to effect service of that process, which undoubtedly he intended serving upon Kerrigan, he was struck down, and he was fired at by two men, armed with revolvers, and five bullet wounds were inflicted upon him, from which he died upon the spot. His grandson, who was at his side at the time when the onslaught was made upon him, rushed from him. I suppose, seeing that his only chance of escape was in flight, and further along the lane, a few yards, he met with a similar death. It will be my duty to tell you in detail, how and by whom that was inflicted. Two bullets were lodged in his skull, which also destroyed him on the spot. Gentlemen, a model has been prepared, and has been previously used, and some of you, I dare say, have seen it. This is the model of that boreen—lane or boreen, which includes the houses of Patrick Higgins (Long), and Matthias Kerrigan. This (pointing) is the direction of Clonbur, and a man coming from the direction of Clonbur—in that direction—the Huddys, passing the Corbet's house, and Macken's, would come to this house of Patrick Higgins, where the evidence will lead you to entertain the belief that probably the service was affected upon that morning. From this he proceeded along the boreen until they came to a point that is represented here, and he was just opposite the gable end of Kerrigan's house. Kerrigan himself was in his barn, just at the door of it, and he saw the terrible act. His wife had been in the house preparing the breakfast, and she had come to the door for the purpose of throwing out water from the potatoes, and her youngest child, a boy of ten or eleven years of age, or at any rate the youngest of those who witnessed this scene, was in the act of passing between the two buildings. The eldest son, a lad of sixteen or seventeen years of age, was not at that moment at home. Gentlemen, at that spot, pointing to the model, just as the bailiff began to clear the end of the house, and came to that point where you will observe he would be within view of a person standing at the door of the house, or a person in this little yard, or a person also at the door of the barn—when he reached that point he was struck down. The person who inflicted that blow upon him—that struck him down, and felled him, was Patrick Higgins (Long)—the man who inhabited this house—(pointing to model). That blow was given with a stone seized from one of these walls, which was one of loose dry stones—the ordinary Galway walls, and it was inflicted in the fist, or at any rate so close that it was within reach of the fist, if it was actually discharged from it. The old man fell as the result of the wound, with his head under, at the wall some place hereabouts—pointing to the model—and while in that position two persons went behind Huddy, and close to him, and in front of Kerrigan, and within his view produced revolvers, and fired shots which killed the man. One of those was a man called Thomas Higgins (Tom), who is also a person charged in this indictment, and the other, according to the evidence which will be given before you, was Michael Flynn, the prisoner at the bar. The wounds upon the body of the old man, when he was subsequently discovered, were, as I have said, five in number. There was a shot—a bullet shot—in the back of the head, which entered the brain, and must have caused instantaneous death. There was another wound in front of the skull, which penetrated the brain, which would in itself, even without the other, have caused instant death. There were wounds in either side of the skull which did not penetrate, but glanced off, and there was another bullet shot wound in the arm of the old man. Of course death was instantaneous. The lad fled as I have said, in this—pointing to model—direction, and about this point he was overtaken by the two men, who had each revolvers—one of them being the prisoner at the bar. He was seized by one of them—thrust down upon the ground, and despatched by the revolvers, the same as his

grandfather had been. I need not tell you, gentlemen, that in a case of this sort every person who takes act or part in a deed of that kind, anyone who aides in it in the first instance, before it is committed, is as distinctly and legally guilty of murder, as if you believed that his was the very hand that fired the shot that proved fatal. That of course is this case. On this indictment the prisoner is charged with the murder of Joseph Huddy, the old man, or as a matter of fact it might have been equally proper to have charged him in the same indictment with the murder of the boy. Gentlemen, the prisoner, Michael Flynn, was not one of the persons for whom there was any ejection process; nor was there for the other prisoner, who used firearms—Thomas Higgins (Tom). They are both residents of this district. The prisoner's house I have pointed out to you. The house of Thomas Higgins (Tom) is at a distance of something within a mile—about two-thirds of a mile from the scene—while that of the prisoner is nearer to it. But however that may be, there can be no doubt that the murder was inflicted, was committed by persons who had come there for the purpose in pursuance of an organised plan, who brought their firearms with them, and who, probably, had been told off for the purpose of the deed. And it is believed that the evidence will probably satisfy you that in that transaction the prisoner at the bar was the very ring-leader and chief. Gentlemen of the jury, upon that morning and before that murder was committed, the prisoner was seen upon that lane. He there met a lad who will be produced before you, named Mannion. I pointed out Mannion's house on the other branch of the little breen which branches off and is a little distance from the turn. He had had an early breakfast, and he had left the house for the purpose of driving in a pig that was about the place, and he met the prisoner Flynn upon the breen alone—waiting for the Huddys, as the evidence will probably satisfy you he was. He could not be mistaken in his identity if he had not spoken, but personally they did know one another perfectly well. Flynn spoke to him and told him that he had better go away and get off the breen.—That was immediately before the murder was committed—and when I say immediately it is question of minutes. And after that occurred—after that occurred, and after the murder took place—immediately afterwards—it will be for Flynn to give you any suggestion that he can make, or offer through the able counsel that represent him here, or through witnesses, as to how he came to be upon the breen at that hour of the morning, by what right he ordered that lad off the breen? What reason had he for doing it? How could it be accounted for consistently with his innocence of the crime that was committed there immediately afterwards? The murder itself of the old man was witnessed only by the three Kerrigan's—father, mother, and little child. Just at the time when the younger Huddy was being killed, the elder of Kerrigan's sons returned from the bog, that is up in this direction—along the breen in this way, and surmounting a hillock, he saw, not the murder of the old man, but he saw the murder of the younger one. I think the four of them will all swear to you that Michael Flynn, the prisoner at the bar, was there taking part in it. It will be deposed to you that there are persons of the name of Halloran, who live in the neighbourhood, and whose house is also laid down upon the map. It is over a hill in a direction which will be indicated in this way. At some distance there is first rising ground and then a plateau or plain. From Halloran's you cannot see Kerrigan's, or the scene of this murder, but coming from Halloran's a little distance you can. The Hallorans were engaged in the same pursuit of putting up corn in a barn, when they heard shots—the father and son—and they were frightened. They left their work after a time, but they didn't go immediately. Whether he suspected that there was to be any work of that kind we do not know. They, of course, would not tell us, but they left their house, they came along the garden wall—they gave what they described as one “peep” or “look” over the wall. They saw several persons—two or three men—several as they describe them at this point—the laneway descends into the little court or yard of Kerrigan's that had the breen before it, and they saw them coming that direction, and they also saw at a point hereabouts (pointing to model), namely, one of the prisoners, Patrick Higgins (Long)—they saw him on the road at the same time. What were the men doing who were at this point descending down into what is called the street of Kerrigan's? What were they doing? The street or place so described is the little courtyard in front of the house in that part of the world. It was necessary to make away with the bodies. The first of them, that of the old man, was placed in a basket and was hoisted by the prisoner at the bar on the back of Patrick Higgins (Long) and Patrick Higgins (Long) and he went with it in this direction, which you will see on the map as the direction of the lake. Prior to leaving there, Flynn, the prisoner, had been a party to the disposition of the body of the younger man, which was shoved head foremost into the sack, which was taken by one of the prisoners from the house of Matthew Kerrigan, and

brought out, and when there it was disposed of in the sack. It also was taken away, in a way that will be described to you. Young Kerrigan, as I have told you, had returned. He was an eye witness of this spectacle as were the rest of his family, so far as the murder and the disposal of the body of the young man were concerned. It would have been unsafe for those who were connected with this crime to have gone away without doing something, if possible, to compromise the Kerrigans with the matter—and he was by one of the prisoners. Young Kerrigan was ordered out to carry the body of young Huddy. He shrunk back and refused to do so, but he was then seized by the collar of the neck and dragged forward, and the sack was placed upon his back and he was sent down the boreen. At that time when Thomas Higgins (Tom) and young Kerrigan were left in the charge of the young man, the body of the old man went down along in charge of Patrick Higgins, and Patrick Flynn, the prisoner, at the bar. Gentlemen, of what precisely became of the body of the old man we have no further information to give you except what is concerned with its subsequent discovery. It left, however, carried by Higgins, and accompanied by the prisoner at the bar, and left quickly, rapidly, in order, of course, that it might be disposed of as soon as possible. The waters of the lake afforded a convenient way of getting rid of the evidence of such a horrible crime. The body of the young man was carried by young Kerrigan along the lane. They were overtaken by another person named Higgins, and also by Pat Flynn; and as they came to the place of a man named Corbett, a man of the name of Patrick Mannion—father of the boy who had seen the prisoner on the boreen that morning, who was just coming out of the door of Corbett's house—he had been in Corbett's seeing the only inhabitant of the house, an old bedridden man who if he was up at the time was only able to crawl from his bed to the fire and back again. Immediately after coming out of the house he was seized by Higgins, who was still in command of young Kerrigan, the sack was taken from the back of Kerrigan and placed on the back of Mannion, under circumstances exactly similar to these which occurred before. He wished to resist, and I believe he was tripped up, and compelled to bear it for a certain distance; when at the corner of the road where the road branches he was relieved from it, and it was placed on the back of Patrick Higgins (Sarah). There is no doubt that the bodies, after being carried along the public road, were taken to the shores of the lake, where they were placed in a boat—we have no proof of it, except the bodies being found out in the lake, and the probabilities of the case—taken off to a point about the middle from the nearest point to the scene of the murder, and there disposed of, being sunk in water about four fathoms—twenty-four feet. A large stone was placed in the sack with the body of the boy, the mouth of the sack was made fast around the ankles of the body, for it was long enough to admit of its being tied over the feet. There was no sack for the body of the old man, and there was a heavy stone tied to the ankles. They were not sunk at the same place, but in close proximity to one another. They were found about the 27th, I think, of the same month of January. The disappearance of these two men in broad daylight, in the early part of the day, in a populous district, excited an amount of horror and alarm all through the country, which you will all remember. A search was instantly commenced, and, in spite of every difficulty that was placed in their way—I admit, in spite of the reticence of the Kerrigans, and their denial of knowing anything about this murder—it was immediately perceived by the police, by such slight indications as they could get, that the murder took place at the very spot where actually it did take place. A bullet-mark was found on the wall near that place, probably one of those which glanced off the skull of Huddy, and upon that day, the alarm being given, the police reached the scene of the murder from Clonbur, about half-past four in the afternoon. Having exhausted every source of inquiry from Clonbur, and obtained every possible information, they could only then track the deceased men to the scene of the murder. Their efforts proved perfectly fruitless for a time. A great many arrests were made in the neighbourhood, amongst others Matthias Kerrigan and his son were arrested. The police knew they should know something about it—they had been eye-witnesses of it. Of course they denied all knowledge of it. But there is this to be remarked, that the very story which they tell themselves, and the circumstances of this murder indicated that it was done by portion of a gang powerful enough to do it in broad daylight, and desperate enough to do it in the sight of every person about, so that if the Kerrigans had come forward there to give information, they would probably have shared the same fate as the Huddys; besides one of the very chief persons in that assassination, this man who felled old Joe Huddy, Patrick Huddy, this inmate of the house here, was first cousin, the nearest relative short of a brother or sister of the woman who lived in this house, besides being himself a blood relation of her husband. There was every reason for fear—there was every excuse for reluctance in giving information—the state of the

country at the time, crime had so long enjoyed absolute immunity, will probably account in your minds for the protracted reticence and denial on the part of the Kerrigans, just as any other people, because there is no evidence that any one else came forward to assist the police. It being certain that the bodies were in the lake, a cutter was taken across the country, with which they proceeded to drag the lake, and by means of which the two bodies were discovered. Now, on these bodies were found some documents, upon which reliance has been placed as assisting to throw a light upon the whole case. There were just six documents; they were considerably injured by the water, but were all capable of being read. There were three original documents, there were three copies. The three original documents were—one original document for Pat Comar (Mark), one for Matthias Kerrigan, the man who occupied that house, and one original for a man called Thomas Hyland, who lived there up that lane, and who was not served. There were three copies found: one was a copy of a process addressed to Pat Kyne; one of the men like Hyland living further up the lane; another for his brother, Luke Kyne. Of these two one original was found. If you have followed me in the observations which I made, you will see that he never got that far—he was killed before he got there and the documents were not served. Well, the originals, which must have been in his possession, were not found upon his body. This was two. The remaining copy was one addressed to Pat Macken and two others. You will see that Macken's house is adjoining Higgins', leading out to the main road, and that service must have been effected before he came to Higgins'. There was only one copy found, and, therefore, two must have been disposed of. Well, there was no document upon him for service upon Higgins at all; there was none connected with the service, which undoubtedly took place on Bridget Comar, to whose house he went and served Mary Walsh; there was no document connected with the service on Pat Moran, and he was undoubtedly served; there was none connected with the service on Pat Conroy, whom he undoubtedly served and, in point of fact, of these which he did serve at Comar's, Moran's, Conroy's, Mackens', Higgins', before he came to Kerrigans, no trace remains, except one copy of the document at Mackens'. Now, that would indicate apparently that there was on the part of those who murdered Huddy, and carried off the body, a hasty search made, a ransacking of his pockets, and that every document which they saw to bear upon the question of service on any house at which he had actually been, was removed. But of the documents connected with Kerrigan, the original was left on the body. The copy undoubtedly was not left there. Now, as there is no doubt, as this will not be a matter in controversy, that the man was killed before he could come to serve upon Kerrigan, beyond all doubt no service was effected there; he did not live long enough; he was slaughtered on the road; yet the position in which things were left was this, that after the murder the original document for service on Kerrigan was left on the body, whilst the copy was not; in other words, the position of the documents, as far as Kerrigan was concerned, was left in a state consistent with service being effected upon him. That is a circumstance which would appear to demonstrate that if Kerrigan had been the person to have committed the crime, he would not have left it in that state, that which was done in all the other cases would have been done, every document connected with it would have been removed, or else this copy would have been put back into the pocket of the dead man. Gentlemen, the search was a hasty and a rapid one. Of course these men were in a desperate hurry to get away from the place—so desperate that the traces of the crime were left, without an attempt to remove them. The blood was left on the lane, and it will be stated to you against them, that under the horror and fear of what occurred, this butchery occurring at their own door—that Mrs. Kerrigan removed the traces of the crime by mopping up the blood, and afterwards pouring water upon it. That she did under circumstances which she will mention to you, and I think you can well conceive that she and her family, being witnesses of this crime, and being afraid of their life to take part in telling about it, thought at the same time that it was absolutely necessary to do that because the marks there would have placed the crime at their own door. Gentlemen, the prisoner is a man, who as we know, is perhaps better educated than many of the people living in this district. We know that he is a man who takes an interest in the agricultural movements of the country. We know that he is a member, I think, of the Clonbur branch of the Land League, and has been so since 1880. Now, I do not press that circumstance against him as indicating that he was necessarily connected with this murder. I am not going to repeat the powerful and eloquent remarks which I have heard addressed recently in reference to that organization, but undoubtedly he is a man who takes considerable interest in land agitation, for at the time he was arrested in September—he was previously arrested and liberated, the police, of course, then did not know much about him—there was found upon

him that which indicates that he is a man of leading amongst his neighbours, there was found upon his person, his ticket of membership in the Clonbur branch of the Land League, and also a letter addressed to him, "Dear Mr. Flynn." It is dated "Dublin August 2nd, 1882." Of course that is months after the murder; but, at the same time, before his arrest. It is headed "Ladies Irish National Land League, Upper Sackville-street, Dublin." It says "Dear Mr. Flynn"—no, but "Mr. Flynn, dear sir: your letter to hand this morning"—You see he corresponds upon this subject—"We must refer you to Mr. Parnell for what you require. If you send the application"—whatever that is—"addressed to this office we shall forward it to him. The dictionary which we promised to send you goes by this post. Yours truly. Mary Nally"—I think the name is Nally, but it is difficult to make it out: and the only other document is Mr. Parnell's address at the Mansion House, Dublin. Gentlemen, the man who is a little better educated than the rest of them, is just the man to be in a position of command in an enterprise of this kind: He is just the man whom you would expect to find before the perpetration of that murder, patrolling the ground, and just the man to have intelligence enough after having taken part in this desperate scene, to endeavour to provide for his own safety, and to prepare evidence that he was elsewhere at the time that it occurred, and we have reason to believe that on that very day he was present at a funeral—funerals and wakes are very good places for the presence of a person who had taken part in any crime, because they give an opportunity for observation—distant some miles in the Carnamona direction, and that he was that day seen by several persons upon that occasion. Gentlemen, if any such case is gone into, if any such *alibi* is attempted to be set up we shall be possibly in a position at the end of the case to ask you to believe, that as far as that defence is concerned, it is only a clever and ingenious device on the part of men like him. It may be that no such attempt will be made, but if it is we expect it will be shown to you that if he was there at all, he had ample time to have committed the murder, to go in the direction of the lake—then to make his way to the scene of the funeral, at the time he would be proved to be there. His case upon that circumstance stands upon its own merits. We shall ask you at the close of the case, that if you believe what the Kerrigan's say, there is no doubt one way or other about the matter; and that if their evidence leaves any doubt upon your minds, that the lad who swears that he was ordered off the lane by the prisoner, that that evidence is inconsistent with any view of the case, except that of guilty participation in the crime. The evidence, however, is for you to decide, and we shall now proceed to lay it before you.

Mr. *John Henry Ryan*, C.E., sworn, and examined by Mr. MURPHY, Q.C.

You are a civil engineer, residing in Dublin?—I am.

You made this large map, and the two copies before the jury are exact copies?—They are.

Does that correctly represent this district of Cloughbrack Middle, Upper and Lower?—It does.

And does this represent from Clonbur all along the course of the lake?—It does.

And the road running at a point off to Cornamona?—Yes. It also shows the Cornamona road.

And all the other roads in that district?—Yes.

And you put Macken's house, and also the house of the prisoner?—I have.

There is another house close to it—Thomas Higgins'?—Yes.

You are aware that is the father of the man Thomas Higgins (Tom)?—Yes.

Thomas Higgins's is about two-thirds of a mile over on the road?—Yes, about five-eighths of a mile.

Now, you have correctly represented on that map, where the little breen leaves the Clonbur road—that goes towards the house of the Kerrigans'?—Yes.

When you come up a little on that breen there are two branches, one to the right where there is the breen of Pat Mannion?—Yes, there is one goes from the house of Mannion to the village of Cloughbrack Upper.

And another to the Higgins' and Kerrigan's house?—Yes.

And on that you have represented the situation of the house of a man named Corbett, and of a man named Macken, and of Pat Higgins, and then of the Kerrigans'?—Yes.

Now, just let me ask you with respect to the nature of the ground—as you go from the main road of that breen until you come near to Pat Higgins' house is there an ascent?—Yes, there is a considerable ascent from John Macken's house, which you see represented there on the Clonbur road, up to Pat Higgins's house.

There are only small walls bounding the breen there?—Yes, Galway walls of local stone.

That bit of the boreen from the corner up to Higgins's house is open to the view all along; there being an ascent from Macken's house on the road, the boreen is open to the view?—It twists about in various ways.

But still it is an ascent?—It is.

Is the first place where you meet a hallow in it, this place represented on the model near Kerrigan's house?—Yes, the first hill is just here, and there the ground begins to fall again.

But there is a hill up along her?—Yes, and the ground rises in the boreen in this very much.

I believe the width of the gable end of this house of Kerrigan's is about sixteen feet?—Yes.

And the distance from this end of the house to this part of the barn is about twenty-nine feet?—Yes, about twenty nine feet.

In continuation of this wall, is there another wall over here?—Yes, there is a wall runs up here.

This is the boundary belonging to Pat Higgins (Long)?—Yes, I have indicated it on the large map; it is not on the small map.

I should ask you the distance from the main road to the house of Mary Walsh. You gave us that before?—466 yards.

From the main Clonbur road to Mary Walsh's; and from that house to Patrick Moran's?—About a quarter of a mile.

From that boreen to cut across to the Carnomona-road?—It is about one-third of a mile.

There is some part of it moory ground?—Yes

Over which a person could walk?—Yes, I walked it over myself.

And that part to the junction?—from it down?—At Macken's it is 300 yards.

And from the point near Macken's up to the place where the boreen turns off, what is the distance?—It is about 500 yards.

Mr. Justice O'BRIEN.—To John Macken's corner?—Yes.

Mr. *Murphy*.—And from John Macken's, going up to the ascent of that little boreen, until you come to Kerrigan's house?—235 yards.

Is that allowing for the winding of the road?—Yes, it is the average distance.

Mr. Justice O'BRIEN.—And the distance from Macken's house to the nearest point, and Martin and Luke's house?—That is about 400 yards.

Cross-examined by Mr. TEELING.

What is the distance from Michael Corbett's up to the point where it branches off to Mannion's?

Mr. Justice O'BRIEN.—Down, say.

Mr. *Teeling*.—Yes, down to the point where it branches off to Mannion's?—Fifty yards.

Is that the whole distance to Mannion's, 235—the whole distance from Kerrigan's to Macken's being that, would you say it was fifty yards?—If you take this map; on that one you cannot represent it within a few yards.

And do you say that is it?—Yes, that is the measured distance.

Did you actually measure it by going to the place?—Yes.

Well, I suppose there is a little sub-boreen going to Pat Mannion's?—Yes; there is another one to the village of Cloughbrack Upper, and Pat Mannion's is at one side of it at the junction. It is near the point of junction; I'll give you the exact distance; I measured all this carefully. I cannot represent them all closely on a small scale; it is only fourteen yards.

Mr. Justice O'BRIEN.—To the fork?—From the junction of that boreen to opposite to Patrick Mannion's house, but there is another twenty yards into his house.

Mr. *Teeling*.—But you are there opposite to his house at fourteen yards?—Yes.

From the point of junction to John Macken's, how much is that?—That is eighty yards.

Eighty yards would bring you to the public road, then?—Yes.

I see on one of the maps there—I suppose it is the same on the jurors' maps—little blue dots?—Those are not on the maps for the jurors. I think the direction is only described.

Are the tracks of the Huddys there?—No, they are not.

But those tracks, of course, are only imaginary tracks?—Quite so; pointed out to me as being the probable course taken.

From the place where the car is placed to that spot on the Clonbur road down to John Macken's, how much is that?

Mr. Justice O'BRIEN.—Do you mean the direct way?

Mr. *Teeling*.—Yes. I think I gave it to you as a mile.

The *Solicitor General*.—I think you will find it is twelve inches on the map. That is just about a mile.

Mr. *William Henry Goode* sworn, and examined by the SOLICITOR-GENERAL.

I believe you are in the office of Messrs. Burke and Darley, agents for Lord Ardilaun in Galway?—I am.

Did you know old Joe Huddy?—I did.

What age was he at the time of his death?—A long way over seventy.

Had he been long acting for the office?—Yes.

Do you remember him getting processes of ejectments to serve?—Yes.

When?—At the end of December.

Are you able to fix the date nearer?—No.

Do you know the townland of Cloughbrack?—I do.

Is that on Lord Ardilaun's estate?—Yes.

Mr. *Teeling*.—I object to this evidence as to the contents of any ejectment.

Mr. Justice O'BRIEN.—He can say that he gave him a number of ejectments.

Mr. *Teeling*.—But as to the contents of those?—

Mr. Justice O'BRIEN.—Not more than that, Mr. *Teeling*. He will say how many ejectments. Is not that quite sufficient, Mr. Solicitor?

The *Solicitor-General*.—I think so. Do you know a woman of the name of Bridget Comar?—Yes.

Is she a tenant on that estate of Lord Ardilaun?—She is.

Did you give him an ejectment for service upon her?

Mr. *Teeling*.—I submit that this has nothing to do with the case as against my client.

Mr. Justice O'BRIEN.—I decide the contrary.

Mr. *Teeling*.—I submit that the proof that he had got ejectments to serve upon persons other than the prisoner at the bar can be no evidence against the prisoner at the bar.

Mr. Justice O'BRIEN.—That is a matter afterwards for argument. It is a question of its relevancy.

Mr. *Teeling*.—Of course it is upon the ground that it is not relevant, at any rate at this stage.

Mr. Justice O'BRIEN.—I say that the Crown is entitled to show that he gave these civil bills to him for service upon the woman named Comar.

Mr. *Teeling*.—Very well, my lord.

The *Solicitor-General*.—Is there a tenant called Pat Comar (Mark)?—There is.

Is that a different person connected with the holding of Bridget Comar?—Entirely.

You gave the document for service upon Bridget Comar—was it the original and copy?—One original and two copies.

Is there a man called Walsh also?—There is.

You have mentioned Pat Comar (Mark)?—Yes.

Do you know the holding of a person named Thomas Hyland—

Mr. Justice O'BRIEN.—Do you say he gave in the case of Pat Comar an original and copy?—Yes.

The *Solicitor-General*.—Is there a man called Thomas Hyland, a tenant?—Yes.

Is that the original for Thomas Hyland?—Yes.

Is that one of the actual documents which you gave to Joseph Huddy?—I believe it to be so.

That is the original for Thomas Hyland, of Cloughbrack. Do you know Matthias Kerrigan?—Yes.

Is that the original for service upon him?—Yes.

Was there also a copy given for service upon him?—Yes.

Do you know a man named Pat Conroy, at Middle Cloughbrack?—Yes.

Was there also an original and copy for service upon him?—Yes.

Did you know a man called Pat Moran?—Yes.

Was there an original and copy for service upon him?—Yes.

Do you know Pat Higgins (Long)?—Yes.

Were there documents for him?—Yes.

Original and copy?—Yes.

Do you know Patrick Macken?—Yes.

Were there other persons associated with him in the holding?—Yes, there were Martin Kyne and Pat Kyne.

Is that the copy?—Yes.

Mr. Justice O'BRIEN.—For whom?—For Pat Macken, Martin Kyne, and Pat Kyne.

Does it show for whom that particular copy was intended?—It does not, for each copy is exactly similar.

The *Solicitor-General*.—Was there in that case the original and three copies?—Yes.

Mr. Justice O'BRIEN.—Does that show from the writing upon whom that was to be served. Some of them did you may remember?

The *Solicitor-General*.—It does, my lord—"M. Kyne."

Mr. Justice O'BRIEN.—Yes, that is the name of one of the three.

The *Solicitor-General*.—Do you know that handwriting on the top?—Yes.

Do you know the handwriting?—Yes.

Is it Huddy's handwriting?—It is.

Do you know persons of the name of Pat Kyne and Luke Kyne?—Yes.

In Middle Cloughbrack?—Yes.

Were there ejectment processes for the Kynes?—Yes.

Those two?—Yes.

Original and two copies?—Yes.

Were those two copies for service upon Pat Kyne and Luke Kyne?—Yes.

Two copies?—Yes.

In all, how many ejectments were there?—Twelve; twelve originals.

Do you know when these should be served?—They should have been served on the 3rd January; that was the latest day.

I need not ask you did you ever see him alive after that day?—No, I did not.

Now I have put six of these documents into your hand—three originals and three copies. Except those six, have you ever seen any of them that you gave to him?—Yes, I saw the copies that were served upon Bridget Comar and John Walsh.

Did Joseph Huddy's son give you documents from his father's house, after his father's death?—Yes.

And there were no Cloughbrack documents?—No.

Cross-examined by Mr. TEELING.

Will you just tell me what amount of rent was owed by Matthias Kerrigan?—Three and a half years rent.

At the time the ejectment process was given?—Yes.

I believe his rent was £4?—It was £3 17s. 10d.

Re-examined by the SOLICITOR-GENERAL.

Was that about the average that was due by the tenants upon that townland?—Something about that.

Is there a hanging gale there?—

Mr. Justice O'BRIEN.—There is a hanging three years.

The *Solicitor-General*.—Was it the custom to have a hanging gale?—It was the custom to have a hanging year. They only pay once a year, the rents being small.

Mr. Justice O'BRIEN.—When you say three and a half years, you include the hanging year?

The *Solicitor-General*.—There was legally due three and a half years, and by custom two and a half?—Yes.

Did the other tenants owe more?—A good many of them owed a great deal more.

Was there any ejectment for the prisoner?—There was no ejectment.

Is he a tenant on the estate?—Yes.

Is Tom Higgins (Tom) also a tenant?—No, I think it is his father-in-law.

Joseph Huddy sworn, and examined by Mr. MURPHY, Q.C.

Was Joe Huddy, the old man, your father?—Yes.

We have heard that he was an old man?—Yes.

Do you recollect the last time that you saw him alive?—Yes.

Do you know his age?—My own opinion is, that it was about seventy years.

You do not know how much?—No; my opinion is that he was about seventy years of age.

Had he a little grandson?—He had.

What was his name. The boy that went with him this day?—John.

I believe you slept with him in this place where you last saw him alive?—Yes.

What time was it; were you in bed when you heard him speaking?

—Yes. It was about seven o'clock in the morning.

That little boy came to the place where you were sleeping?—Yes, he came to the bed.

Did you hear the sound of the car going away from the place?—I did.

And did the two go away together?—I could not say.

When you got up they were both gone?—Yes.

And you never saw them alive after that?—

Were you that evening down in this district of Cloughbrack?—I was. On the 3rd January, when it was night.

Were you there on the next day, the 4th?—Yes.

Do you recollect did you make any tracks from Patrick Moran's?—Yes.

Did you make any tracks from the Widow Comar's down to Patrick Moran's?—There were tracks in Walsh's garden.

Do you remember making tracks to the Carnamona-road?—Yes.

Did you see tracks of a man and boy there?—Yes.

And of course on the road, I suppose, they were lost then?—Yes, they were lost then.

How far from the cross-road, did the tracks appear to strike in on the Carnamona-road?—It was close to the cross-road at Coyne's.

Did you discover some ejectment processes and documents, that your father had for the estate, after his death?—I did.

Did you give that to Mr. Goode?—I left them in the office.

Did you find any from Cloughbrack, at all?—No, not one.

You saw your father and little nephew after their bodies were taken from the lake?—I saw them on the 27th and 28th January, at the courthouse of Clonbur.

How old was the nephew?—Fifteen or sixteen years of age.

Had your father an overcoat?—Yes, it was a frieze overcoat, belonging to me, that he had on him that day.

You got it afterwards?—No, I did not get it; it was kept by the police.

Cross-examined by Mr. ADAMS.

What time in the morning was it when he left?—Seven o'clock.

How far is it from your house to Cloughbrack?—About eight miles.

Irish miles?—I reckon them Irish miles.

You reckon them Irish miles?—Yes.

Is it a hilly road?—Pretty.

Did you ever drive it yourself?—I did.

How long would it take to drive?—A couple of hours going at a reasonable rate.

Would it take a couple of hours?—According as you would drive it.

Would it take an hour and a half or two hours?—Two hours if you take the horses fair and easy, or an hour and a half.

Who drove the horse and car across?—I heard it was a man named Michael Coyne.

Mr. *Murphy*.—Where is he now?—I heard he was in America. I don't know where he is.

Mary Walsh, an Irish speaking witness, sworn, and examined, through an interpreter, by the SOLICITOR-GENERAL.

Is she the wife of John Walsh, of Cloughbrack?—She is.

Does she and her husband live with her mother, Bridget Comar?—They do.

In Cloughbrack?—Yes.

Does she know Joseph Huddy?—She did know him.

Does she remember his coming to her house the morning of the day he was killed?—She remembers him coming to her door.

Did he bring any processes with him?—He did, he left her a process.

Did he leave more than one?—He did.

How many?—Two.

Was there anyone with him?—A boy.

Was there anyone in the house with her when he came?—No one, but a child, three years old. She was in her bed sick.

Does she know what time it was?—She could not tell what time. She was in her bed from the past day after supper until Little Christmas Day, except getting up occasionally.

She could not tell what hour of the morning it was?—She could not tell you, she was ill.

Cross-examined by Mr. TEELING.

Ask her do her husband, herself, and her mother reside in that house?—She said so.

Where were her mother and husband that morning?—They were from home the morning previous, at a funeral at Glancromelin.

Whose funeral was that?—Joseph Joyce's.

What day was the funeral. Was it the day she was served?—He was buried on Tuesday, the day she was served.

The *Solicitor-General*.—Her mother and husband were away at the wake from the day before, that is Monday?—They were away since daylight on the Monday before.

Mr. *Teeling*.—From daylight on Monday?—Yes, from daylight on Monday.

Ask her where Joseph Joyce lived?—In Glancromelin.

Catherine Moran sworn, examined by Mr. MURPHY, Q.C.

You are the wife of Patrick Moran?—Yes.

You live a little way down from the house of Mary Walsh?—In the village.

You recollect the last morning you saw Joseph Huddy?—Yes.

Was your husband at home that morning?—He was not; he was in America.

Mr. Justice O'BRIEN.—Do you mean the village of America or the other side of the Atlantic?—In the United States of America.

Is he there still?—He is.

Mr. *Murphy*.—Joseph Huddy served you with some papers that morning. You are a tenant of Lord Ardilaun?—Yes.

Do you know whether there was a boy with him?—I partly recollect there was a boy with him.

Did you hear any conversation between them?—I did not.

Was that early in the morning?—It was early in the morning.

Cross-examined by Mr. ADAMS.

You say it was early in the morning?—I call it early in the morning up to one o'clock.

Did you not swear it was between eleven and twelve o'clock?—It would be about the time I was going to twelve o'clock Mass, and I was often late for Mass, when I would be "readying" for Mass.

It was between eleven and twelve o'clock you were served?—Yes, your honour.

Mr. *Murphy*.—Were you readying for Mass that morning?—I was not, sir.

How do you know it was the hour you would be readying for Mass?—Because it is generally after breakfast.

Did you swear here before that you would take two hours to go to Mass?—If I was not in a hurry I would take it.

Then it would be about two hours before you would get to Mass?—If I delayed, I would take two hours.

Judging by the time you would be readying for Mass, it would be two hours before twelve o'clock?—I said that wrong, but I would take two hours if not in a hurry.

How do you know it would be the hour you would be readying for Mass?—I partly guess.

The time Joseph Huddy called on you was the time when, on some other mornings, you would be readying for Mass when you were not in a hurry?—I was asked what o'clock it was, and I said as far as I knew it would be the hour I was readying for twelve o'clock Mass.

Were you asked by a juror what time you gave yourself to go to twelve o'clock Mass, and did you say two hours?—If not in a hurry.

Did you at that time add "if not in a hurry"?—I did.

When you were asked by the juror what time you would give yourself to go to twelve o'clock Mass, did you not say about two hours?—If not in a hurry.

Do you swear you added with it, "if not in a hurry"?—I said it, whether it is in it or not, [referring to a report in the hands of counsel.] I saw the newspapers afterwards, and I did not see that in it.

You were reading the newspapers, and you did not see that added to your answer?—I did not. I said it, but I did not see it in the newspapers afterwards.

Mr. *Teeling*.—You were reading it?—I said, if not in a hurry, it would take about two hours. If I was it would take less.

Mr. *Murphy*.—You read the newspapers. You were asked, "Did he come in?—He did not."

Mr. Justice O'BRIEN.—Tell her that is not from the newspaper.

Mr. *Murphy*.—"It was early in the morning." Did you say that?—I did.

Do you call it early in the morning up to one o'clock?—Recollect there are some persons here early enough for you. Do you tell the jury you call it early in the morning up to one o'clock. Do you tell that to the jury on your oath, as you expect to be believed; do you tell the jury on your oath you call it early in the morning up to one o'clock?—I did not say so, but perhaps I might on an occasion.

Mr. Justice O'BRIEN.—Did you not say a moment ago you would call it early in the morning up to one o'clock?—If I met a person I might say good morning.

Then what would you call late in the morning?—I did not really know what to say, and I said it was early in the morning.

Mr. *Murphy*.—Did you say to a juror, "How far is your house from the Catholic church at Clonbur?—Three miles—three English miles?"—That is the truth.

"How long would it take you to walk that distance," and you say "Nearly two hours?"—I did, if I was not in a hurry.

You recollect making your deposition in Galway?—I do.

Did you swear this : " I know Joseph Huddy " ?—Yes.

" I last saw him going up the road at Cloughbrack, near my own house " ?—That is not right. I did not see him at all until he came into my door.

Did you say " He was going towards the boreen " ?—I did not, your honour.

" On the morning of the murder of Joseph Huddy, he served me with an ejectment process for Lord Ardilaun against my husband." Did you swear that ?—I did.

" There was a boy with him ; he spoke to some person outside ; this was early in the morning." Was that what you said ?—I said it was in the morning. I beg your honour's pardon, I could not say it was early in the morning.

Did you swear in Galway it was early in the morning ?—No, your honour. I did not.

Do you swear you did not ?—I could not swear it was early in the morning, because it was not early in the morning.

Do you recollect putting your mark to that ?—I signed it.

Signed your name to it ?—Yes.

Was it read to you ?—Yes, read to the whole of us.

Did you not know they were reading out what had been taken down from you ?—I did not mind to hear it.

Did you hear this : " I recollect on the morning of the murder of the Huddys, Joseph Huddy served me with an ejectment " ?—I recollect I was served with an ejectment. 'It was read to the whole of the gentlemen.

Was it read to you ?—It was, if I was to listen to it.

Did you hear them read " On the morning of the murder of the Huddys, Joseph Huddy served me with an ejectment " ?—I heard them reading it.

" For Lord Ardilaun against my husband " ?—They read the truth so far.

" There was a boy with him " ?—I did not say that.

Was there anything said by you about the boy at all ?—I could not say.

" This was early in the morning "—did they read that to you ?—I could not say it was early, now or then. If it was there they read it, I suppose.

And you signed your name to it ?—I did.

What did you do with the copy of the process he left you ?—I burned it ; nothing like the truth.

Early in the morning or late ?—Late.

When did you burn it ?—In the evening of that day.

When you heard the Huddys were murdered ?—A stranger came into me and made me burn it.

Did you know who the stranger was ?—I never saw the man before.

Did you ask the stranger who he was ?—I did not.

What hour did the stranger come in and tell you to burn the process ?—It was dusk.

After the Huddys were missing ?—He did not say anything to me about that.

Mr. *Teeling*.—I submit anything said by any person to this woman in the absence of the prisoner cannot be taken as evidence against him ?—

Mr Justice O'BRIEN.—But she denies what is stated in her deposition or portion of what is stated, and Mr. Murphy has a right to ask her anything respecting her own previous conduct.

Mr. *Teeling*.—No doubt, if she persevered in saying it was not early in the morning, but having substantially admitted her deposition to be accurate, I respectfully submit nothing said by a stranger to her could be evidence against my client.

Mr. Justice O'BRIEN.—Perhaps it is sufficient to say, Mr. Murphy, that she destroyed the copy ?

Mr. *Murphy*.—You never saw the stranger before or since ?—Never.

Did you know at that time they were looking for the Huddys ?—I did not. It was not dark.

Did you see the policemen there that evening ?—I did not, for two hours afterwards.

Mr. *Teeling*.—I presume you know the prisoner at the bar ?—Yes.

You know Tom Higgins (Tom) ?—I know all the congregation. I would know a stranger coming amongst them.

You knew Pat Higgins (Long) also ?—I did, and Tom Higgins (Tom) I knew.

Mr. *Murphy*.—You knew all the congregation there ?—I did. I would know a stranger that came amongst the congregation.

Did a stranger visit you that evening ?—There did.

Was he alone ?—He was.

Mr. Justice O'BRIEN.—You are right to press her on that point.

Mr. *Murphy*.—And at his bidding you burned the document ?—He asked me was I served with a process, and I did not know his meaning.

Did he order you to burn it?—He did.

You said afterwards you did not get it, I suppose?—When Tom Huddy came in I said I did not get it at all.

When Tom Huddy came looking for his father, you said you did not get it at all?—I did. I did not know what happened his father.

James Flynn, an Irish-speaking witness, sworn, and examined, through an Interpreter, by the SOLICITOR-GENERAL.

Ask him does he live on the main road to Cloughbrack?—Yes.

Does he remember the morning, the next morning Huddy was above there?—He does not.

He does not remember what day of the month it was?—He cannot account for the time.

Does he remember seeing Joseph Huddy on the morning on the road? He remembers seeing Joseph Huddy going the road.

Was he, witness, up early that morning?—He got up early that morning.

Did he eat his breakfast early that morning?—He ate his breakfast early that morning.

As soon as he had finished his breakfast did he go out?—He did go out with a bundle of clothes under his arm.

He was going to a tailor. As soon as he went out did he see Joseph Huddy?—He saw him going the road, and he, witness, was going to the tailor.

Does he know John Macken's house?—He does.

Was Huddy going in the direction of Macken's?—He says that road would take him to Macken's.

How long after that was it he saw the police searching for the Huddys?—Next day.

Is it the next morning?—The morning after they were searching.

Mr. JUSTICE O'BRIEN.—Do you ask him anything, Mr. Teeling.

Mr. Adams.—No; we do not.

Matthias Kerrigan, an Irish speaking witness, sworn, and examined, through an Interpreter, by Mr. MURPHY, Q.C.

Does he live at Cloughbrack as tenant to Lord Ardilaun?—He does.

Has he two sons?—He has.

What is the age of the eldest son, Matthias?—He is sixteen years of age next first month of harvest.

What is the age of his second son, Martin?—Twelve years first of next harvest.

His eldest daughter, Bridget, was away in service from him in January last?—At that time she was in service.

How old is the other little girl, Mary, that he has?—Ten years next St. Stephen's day.

His wife's name is Bridget?—Yes.

Does he recollect the last time he saw Joseph Huddy alive?—He does.

Was there any little boy with him when he saw him that day?—There was.

Had he known that little boy before?—Not until that day.

He had known Joseph Huddy well before that?—He knew him for twenty years.

Was he engaged that morning—the next morning he saw Joseph Huddy alive?—He was in his barn clearing oats.

Where was his little boy, Martin?—He was going across from the house to the barn with a basket.

What kind of a basket?—A basket to put the chaff of the oats into.

Was it a small or large basket?—A middle sized basket.

Where was his son, Matthias, that morning?—He went for a load of turf on the morning of that day.

Was the turf to be brought home with an ass and basket?—An ass and straddle of baskets, cleaves, as he called them, large baskets.

Where exactly was Joseph Huddy when he first saw him that morning?—He saw the old man to the corner of his house.

Did he see any persons coming up after him and the little boy?—He did, three.

Give their names?—Pat Higgins (Loug), Thomas Higgins (Tom), and Michael Flynn.

Was Pat Higgins his next door neighbour, who lived in this house, referring to the model?—Yes, indeed.

Was he first cousin to his wife?—He was.

Is that Michael Flynn that he sees there at the bar?—The very man.

Did he see any of these three do anything to Joseph Huddy?—He saw Pat Higgins strike him with a stone.

Is he able to say whether he flung the stone at him, or did he keep it

in his hand when striking him?—He was not more than the length of his arm from him, and he flung it like that, illustrating the manner of flinging the stone.

Did he fling it, or strike him with it in his hands?—He did leave it out of his hands when he hit him with the stone.

What happened Joseph Huddy—did Joseph Huddy fall when he got the blow?—He fell in by the side of the wall there.

Show the place about where he fell?—He fell just about there, pointing the model—at the corner of the house, and fronting the door.

When he fell was anything done to him?—That man, Michael Flynn, and Thomas Higgins came and put shots into him.

Could he say how many shots were put into him by the two?—He could not say, but he is sure each of them put a couple of rounds into him.

What did the little boy do when the grandfather was knocked down?—He ran then; the little boy ran.

Did any one run after him?—This man (the prisoner) followed him, and caught him by the coat, and said “you devil, what brought you hear.” He knocked him down on his nose and face against the road.

When he was knocked down what was done to him?—Thomas Higgins came and put two shots into him.

Ask him was his son Matthias back at the place when the old man was knocked down?—The old man was knocked down and killed before him; he just came up exactly when the little boy was down.

What was done with the little boy's body?—They put it into a bag.

Where was the bag got?—Old Pat Higgins went into witness's house and took it out of his house.

Ask him what was done with the body of the old man?—Put into a basket or cleave.

Who put it into the basket?—This man (pointing to the prisoner), and old Higgins.

Who took it away?—The prisoner hoisted it on old Higgins's back.

Who took it away?—Old Higgins took it away then.

Did he know where the basket or cleave was got in which the body of the old man was taken?—No, except to see it on the road.

He did not know who brought it there?—He does not know who brought it there, but he saw it taken away.

Who took away the body of the little boy?—The prisoner and his brother-in-law hoisted it on witness's son's back. Thomas Higgins, he says, his sister is married to the prisoner.

Who was it that asked the son to take it?—The prisoner and his brother-in-law, Thomas Higgins.

What did he say to him?—“Stand out here and take this a piece of the road, or we will make you sorry.”

What did the son say?—He shook and got afraid, but he had to go out after all.

Did they go away then together—did the son take the body away?—He took it a piece of the road.

Who went away with Pat Higgins and the body of the old man?—The prisoner put it on old Higgins's back, and they both then went off.

Was the son much behind Pat Higgins then, and the body of the old man?—A little way not much—a little distance.

How long was the son away before he returned back?—Not more than between half an hour and three-quarters until he returned to his house again.

Did any one wipe up the blood that was on the breen?—She did.

Who?—His wife.

Does he recollect seeing anyone pass down the breen after they went away with the bodies?—He does.

Who was it?—Pat Higgins (Sarah)-

Let Pat Higgins (Sarah) be brought forward.

[Pat Higgins (Sarah) was placed in the dock.]

Was that blood wiped away when Pat Higgins (Sarah) passed?—Pat Higgins (Sarah) saw her cleaning up the blood if he wished to look at her.

Interpreter.—Pat Higgins (Sarah), who spoke in Irish, asked the witness did he see him do anything out of the way, and the witness replied he did not, except that he saw him going down with a basket of turf.

Mr. *Murphy.*—Were the police at his, Matthew Kerrigan's, place that evening?—They came back to his house.

Was he arrested?—He was.

Was his son Matthias arrested?—Not that night.

When was Matthias arrested?—The witness was in Galway jail when his son was arrested.

Mr. Justice O'BRIEN.—That was more than three days after.

Mr. *Murphy.*—He was kept in jail altogether, I believe, for over nine months?—He was.

Does he recollect during the time he was in prison seeing his little son Martin?—He did not see him at all when he was in jail.

That is Martin the little boy ?—Yes.

Did he see Matthias when he was in jail ?—He saw him in the jail in Galway.

How much rent did he owe Lord Ardilaun at this time ?—He is not sure whether it was two years or two years and a half rent he owed at that time.

Cross-examined by Mr. TEELING.

Will you ask him, if you please, whether he had any other means of living in the world except the little ground he had from Lord Ardilaun ?—No, not any way for the last twenty-six years until to-day.

Ask him did he expect to be served with an ejectment for the rent he owed ?—He has given a conversation.

He may tell it ?—He states his wife told him that Mr. Burke told her there was a process for her.

Ask him isn't it a fact he did expect an ejectment ?—He believed it was to come for certain.

Didn't he know it was very likely to come on the 3rd January ?—He had no reason to know it would come that day, but spending his time as God would help him.

Upon his oath ask him didn't he know that the 3rd January was the last day for serving ejectments for the Oughterard Sessions ?—He had no knowledge of what day the sessions would be at Oughterard more than a child.

That is not the question I asked him. Did he know that the 3rd January, the day the Huddys were killed, was the last day for serving ejectments ?—That is the question I put, and that is his answer.

Ask him again ?—He did not know, no more than the judge on the bench, the jury there, or the gentlemen present.

Ask him this question, upon his oath, did he believe it was the last day ?—He is proving that he had no knowledge of it, more than the child unborn.

Ask him was he arrested on the night the Huddys were murdered ?—He was.

What was he charged with, when he was arrested ?—For their finding these dead or killed upon the back of his barn.

Wasn't he charged with the murder of the Huddys ?—He says, for that he was taken for certain.

Was he charged with the murder of the Huddys ?—He says about that he was taken for certain.

Ask him that again ?—For that case for certain he was taken.

Was he brought to the barrack, at Fairhill ?—He was.

How long did he remain in the barrack, at Fairhill, before he was sent to Galway ?—Three days and three nights.

Was he brought before any magistrate before he was sent to Galway jail ?—Aye, and before four of them.

And then after that he was brought to Galway jail ?—He was.

What was he charged with when he was in Galway jail ?—Nothing against him but that case.

Well, I would say that was enough ?—Because nothing else could be put against him.

When was he discharged from Galway jail ?—Twelve weeks to-night.

Before he was discharged from Galway jail were other persons who were charged with the murders discharged ?—They were ; he says if they were, not one knew the truth of the whole facts until he gave it.

That is for the jury ?—It was he gave out first.

Now ask him when he first gave information of this to the authorities ?—Twelve weeks to night he told Mr. Bolton, Mr. Brady, Sergeant Ruddan, Mr. Gibbons and a number of others.

That was the first time ?—For certain.

Was he in jail at the time he gave that information to the gentlemen he has named ?—Yes, inside the jail.

And not discharged until that time ?—Not let out till then.

Not let out until he gave this information ?—Not until he told them all the truth.

That is again for the jury. Now after he got out where did he go to live ?—In the house in Galway.

What was the name of the person who kept the house ?—They call him Mr. Hannan.

When he went to Mr. Hannan's did his wife and family come to live with him there ?—They did.

How soon after he went there did his wife and family come to live with him ?—They were there the night before him.

The very night of his discharge ?—The night of his discharge he found them there.

And did his wife and family live with him there, up to the 16th October, when the prisoner was sent forward for trial ?—They remained there until this day fortnight, when they were brought to Dublin.

Was it on the 14th October he made his deposition before the magis-

trate on oath?—He does not know the month, but it is this night twelve weeks.

Now I want to know how long had he been out of jail, living in Galway, before he made that deposition before the magistrates?—He was not a single day living in Galway until he told it. He told it in jail to the magistrate.

But when he came to give his evidence, when the prisoner was being charged, how long was he out before the prisoner was brought before the magistrate and charged?

Mr. Justice O'BRIEN.—The deposition was taken on the 14th October, and he was discharged on the 25th September, exactly three weeks.

Interpreter.—He says, when he gave his evidence in Galway jail before Mr. Bolton and Mr. Brady, the prisoners were brought before him.

Mr. *Murphy.*—He was not out of jail until he made the information.

Mr. Justice O'BRIEN.—He was discharged on the 25th September, and it now appears that the prisoner was brought before him in jail, so that it was no mere private information.

Mr. *Teeling.*—Ask him, having expected the ejectment, and knowing Huddy was in the breen that morning, will he swear his solemn oath he was not served that morning, put the question that way—that he was expecting the ejectment?—On his oath he received no process that morning, nor for seven years previous although he expected it, and was told it would be served, and that Huddy was serving ejectments that day. He was told it was to come, but he did not know what time it would come.

Ask him how often he saw his son Matthias when he was in gaol?—When they would be let out in the yard he might see him for a couple of hours together.

He means more than once?—He means every time they would be let out.

Ask him how long they were let out together at a time?—About two hours.

Was that in the exercise ground?—Exercise.

Ask him did his wife visit him at all when he was in jail?—She did.

How often did his wife visit him when he was in jail?—He could not tell for he could not count it now.

Was his wife so often in jail he could not count them?—Twice on two separate days, and twice on one day—that is four times altogether.

How long before he got out had he seen his wife?—Two or three days, he says, before he was discharged.

Ask him when the sack was taken out of his house, did he go in with the prisoner, and show the prisoner where it was?

Mr. *Murphy.*—The prisoner?

Mr. *Teeling.*—I beg your pardon. Pat Higgins (Long). Did he go in with him and show it to him?—He did not. He had no dealings with the man.

Then did Pat Higgins (Long) go in by himself and take the sack out of the loft?—Yes, and able to go in, too.

Ask him had he anything to do himself with these murders, or either of them?—He can prove before the judge and jury and the whole court, he had no hand or part in them more than looking at it being done.

Is that as true as what he swore when he said he was not served with the ejectment?—Yes, it is, for he was not served with a process on that day.

Mr. Justice O'BRIEN.—Mr. Murphy, this question about Galway jail. He said during the hours of exercise, he saw his son, Matthias. Ask him was there an officer of the jail there then?

Mr. *Murphy.*—Ask him was there any person present at the interviews he had with his family in the exercise yard?—A good many were.

Ask him had he any conversation with his son about telling him what to say?

Mr. *Teeling* objected.

Mr. Justice O'BRIEN.—You have a perfect right to ask him that question. Had he a conversation with his son about this matter?

Mr. *Teeling.*—Take my objection.

Mr. Justice O'BRIEN.—Certainly. I take it, and you, Mr. Murphy, don't press the question?

Mr. *Murphy.*—No, I don't press it. Before the prisoner had been arrested, he made an information; then on the 25th September the prisoner is arrested. It is after that, when the family is brought in, he does not leave the prison at all, the depositions were made, and these now before him were made on the 14th October; but they are not the informations made by him in the absence of the prisoners.

Mr. *Teeling.*—It was made before he got out.

Mr. *Murphy.*—And it was taken in writing from him.

Bridget Kerrigan sworn, and examined by the SOLICITOR-GENERAL (interpreted).

Is she the wife of Matthias Kerrigan, of Cloughbrack?—She is.

Is she any relation of Pat Higgins (Long)?—She is.

What relation?—First cousin.

Does she remember the morning the Huddys were killed?—She does.

Was she at home that morning herself?—She was for certain.

Did she see Joe Huddy?—She did.

Where was she standing when she saw him? Out in the door with water.

What was she doing?—She was throwing water out between her two hands.

What kind of water was it?—Water after washing potatoes.

Mr. Justice O'BRIEN.—Or boiling them, which?—The water that was after boiling potatoes.

The *Solicitor-General*.—These were potatoes off the fire for the breakfast?—Yes.

Then, they had not had their breakfast at the time she saw Joe Huddy?—No, nor boiled.

Where was Joe Huddy when she saw him?—On the boreen.

Was there anybody with him?—A gossoon; a boy.

Where was her husband, Matthias Kerrigan, at that time?—In the barn.

Where was her little boy Martin?—In the house.

Where was the eldest son at that time?—At the bog for a load of turf.

Did she see anybody coming after Joe Huddy and the little boy?—She did.

Whom?—Pat Higgins, Michael Flynn, and Thomas Higgins.

Ask her does she see Michael Flynn here?—She does; that is the man, pointing to the prisoner.

What was done with Joe Huddy?—He was knocked with a stone at the back of the house of Pat Higgins.

Did he fall?—He did.

Where?—On the boreen.

Did he move after he fell?—He did.

Did Pat Higgins do anything to him after he was down?—He gave him two or three kicks, she cannot say which.

Did the prisoner do anything?—He did; the both of them put shots into him.

With what?—With pistols.

Where did the boy go?—When he went to the back of the barn he had his grandfather's top coat on his arm, carrying it.

Did anyone follow him?—That man followed him, and asked him "what the devil brought him that road."

What did he do then?—He caught him by the back of the pole, and knocked him down on the road.

When he was knocked down what did they do with him then?—Thomas Higgins came up, and put shots into him.

Did she see anything done to the body of the old man after that?—She saw, when the little boy was killed, the old man was put into a basket.

Does she know whose basket it was or where it came from?—She has no more knowledge than I have, except she saw it with the man, and seeing them put him into it.

Did she see what was done with the body of the boy?—She saw him put into a bag.

Where was the bag got?—In her own house at the corner of the loft.

Who got it?—Pat Higgins.

Did her son Matthias come back?—He came back when the prisoner and Thomas Higgins was murdering the boy.

When she speaks of the loft what sort of thing does she mean?—A couple of beams across from one wall to the other, and boards put across it, and quite open in front.

Mr. Justice O'BRIEN.—Does anyone sleep there?—None of them slept there for the last twelve months; a couple of the gossoons did before then.

The *Solicitor-General*.—Was the sack open that it could be seen, or was it hidden away in any way?—Anyone that went in could see it; it was left hanging on the board in front.

Did she see anything done to the body of the old man after it was put into the cleave?—She saw the prisoner hoisting it on Pat Higgins's back.

What did Pat Higgins do with it?—He went on the road.

Both?—Yes.

Did Flynn go away with Pat Higgins?—He did—she does not know where he went to then.

When they were gone away, what was done with the body of the boy?—The boy was in the bag before the old man was stirred at all.

What was done with the bag after the old man had been carried away?—Thomas Higgins hoisted it on her own boy.

Did her own boy want to carry it?—No, he did not, until the other took him by the collar.

Did her son carry it away then?—He did, they went off then.

Did she hear whether Tom Higgins said anything to him?—The son was backing behind her and he said he would not go, and Thomas Higgins told him if he did not go, she is not sure whether he said he would not be thankful or he would be sorry.

Was there any blood left on the ground?—There was.

Where?—At the back of the house, and at the back of the barn.

What was done with that?—The witness cleaned it off.

Did she see anyone coming down the breen about that time?—She saw Pat Higgins (Sarah), coming by with a load of turf.

Did he go on by the breen?—Yes, and the corpses were gone on before he came up.

Was there anybody else there except the three men she has mentioned?—Not one that ever God put soul into, but the three men at the time the men were murdered, and the two that were murdered.

Tell her to point out where the old man was killed, and where the boy was killed?—(Witness points out the places with a stick.)

Cross-examined by Mr. ADAMS.

Ask her did she know that Joe Huddy was coming that day?—How could she know it?—She did not.

Ask her did she know?—She did not.

Ask her did she know that Joe Huddy was coming with a process for the Oughterard sessions?—If she knew he was to come, she did not know for certain what day he was to come.

Ask her did she know that he was coming some day?—Her master told her at his own office he was to serve a process.

Did she know that the process would be to the Oughterard Sessions?—She knew well there were sessions to be held at Oughterard, but she did not know what time he was coming with the process.

Ask her, did she know the 3rd January was the last day for serving a process for the sessions?—She had no knowledge of what day, what time, or what hour he would come, except she was told by the master the process would come.

Ask her did she tell that to her husband?—She did, because the master told her the process was to be served.

And she told that to her husband?—She did.

Ask her did she say a word to the police about this story for the nine months her husband was in jail?—She did not tell the police during the time her husband was in jail.

Ask her, did the police ask her about it?—Of course they were often speaking to her when they found it was at the back of her house the murders were committed.

Ask her, while the police asked her any questions about the murder, while her husband was in jail, what did she say?—She was in great trouble about herself and her family, about this thing, and she used not to say anything at all to them.

Ask her did she swear when the police asked her did she know anything about the murder she said nothing at all to them?—She never told them at any time that it was these men who committed the murder until her husband told it in Galway jail.

Ask her did she say to the police that she was at Luke Kerrigan's, at Bahaun, nursing a sick child on the day of the murders?—She did not.

Ask her how soon after the Huddys were killed she went out in the road to dry up the blood?—A very short time; she thought it would be too long there.

Ask her who told her to do that?—No one, for she knew it was nothing nice to have it there.

And no one told her?—Herself and her husband said together, that he would be the first to be taken if they found this there, if the police came looking for people.

Ask her was she living with her husband in a house in Galway before she made her depositions?

She puts a question, is it the depositions to know the man committed the murder?

Yes; they only came from home to Galway, suppose to-night, and next day herself and her husband made informations in jail, the evening of the next day.

Ask her did she know, and was she friendly with Patsy Mannion and his son?—She was a good neighbour to everyone; no one had anything against her.

Did she know the Mannions well?—She knew them as well as she knew her husband.

Ask her were the Mannions at her house during the time that her husband was in jail for the murder?—Sometimes Patrick might come in and inquire how herself and her children were.

And used she to go to Mannion's house?—An odd time, when she had business.

The *Solicitor-General*.—Ask her were the Mannions any more to her than any of the other neighbours?—Nothing more than a neighbour.

Did she know the prisoner?—Aye, she knew him well.

And Tom Higgins?—Yes.

And Pat Higgins?—And Pat Higgins.

Martin Kerrigan sworn, and examined, through the Interpreter, by
Mr. MURPHY, Q.C.

Ask him does he recollect the day the men were killed at his father's house?—He does.

Where was he at the time?—He was going out to the barn when he saw Patrick Higgins strike the old man with a stone.

Was there anyone else with Pat Higgins at the time?—Michael Flynn and Tom Higgins put shots into the old man then.

What did the little boy do when the old man was knocked down?—He ran to the back of the barn. Michael Flynn followed him, and caught him by the collar, and put his head over the ground.

Did he hear him saying anything at the time?—"What brought you here, you devil," and then Tom Higgins came up and put shots into him.

Now, where was his brother Matthias this morning?—He was at the bog in the morning, and came back with a load of turf.

When was he back?—When the old man was killed, and when they were killing the young man.

Was that after the old man was killed?—The old man was killed, and Thomas Higgins put shots into the young man.

When Matthias came back?—Matthias came back—his brother.

Did he say what was done with the body of the young fellow?—Put into a basket or cleave—the boy was put into a bag.

What was done with the cleave when the old man was put into it?—Michael Flynn then hoisted it on Pat Higgins.

And where did they take it then?—They went down the boreen, and Tom Higgins—

What was done with the bag?—[Interpreter.] He is telling it, sir. Tom Higgins then told his brother to put the sack on him.

Did he hear what his brother said when they were going to put the sack on?—"I will not hoist it," he said. "If you don't," Tom said, "you won't be thankful."

And had his son then—was the bag put on the brother's back?—It was.

Where did they take it?—He went on down the boreen, and Tom after him. Tom Higgins down after him.

Did he see any person coming down the boreen after that?—Pat Higgins (Sarah) went down the boreen when they were gone.

What was he carrying. Was he carrying anything?—He had a basket of turf.

Ask him what was done with the blood that was on the boreen?—His mother and father cleaned it off.

Ask him does he recollect was Tom Higgins (Sarah), passed at that time they were cleaning it?—They were cleaning it off when he passed by.

When Pat Higgins (Sarah) passed by—let him see Patrick Higgins (Sarah).

The prisoner, Patrick Higgins (Sarah) was then put in the dock.

Ask him, is that Pat Higgins (Sarah)?—Looking at the prisoner Pat Higgins (Sarah)—that is him.

The prisoner Pat Higgins (Sarah) then spoke some words in the Irish language to the witness, to which witness quickly replied.

Mr. *Teeling*.—I respectfully object.

Mr. *Murphy*.—Oh, we won't have it. (To the Interpreter)—Better not to have anything to say to it. Quite right to force it.

Now ask him when did his brother come back after that?—He came back again shortly.

Ask him at the time this happened had he eaten his breakfast?—He had not.

Cross-examined by Mr. ADAMS.

Ask him what was his mother cleaning away the blood with?—His father had a shovel and the mother brought a couple of tin cans and threw it over it—cans of water.

Ask him was his father cleaning away the blood as well as his mother?—They were both cleaning the blood away.

And ask him did the father commence cleaning the blood away the moment the bodies were removed?—When they went away they went to clean the blood away.

At once?—When they went off.

Ask him did he see the whole thing from beginning to end?—He did.

From the stonethrown, down to the taking away of the bodies?—He did.

Ask him was he examined in Galway before the magistrates?—He was.

Ask him where he was when he heard the shots?—Out in the street.

In the street—that is, out in the open space between the house and the barn?—Yes.

Show where?—Out there (witness indicating on map).

Is that immediately between the house and the barn?—Yes.

Ask him did he swear in Galway that he was in the house when he heard shots?—He did not.

Ask him was this his deposition at Galway?—"I am a son of Matthias Kerrigan, of Cloughbrack"?—He did; he swore that.

"I was at my father's house the day the men were killed in the boreen?"—He was.

And swore that "I heard shots"?—Yes, out in the street.

"I was then in the house and went out to the door?"—He did not swear it.

Ask him does he swear that he did not say at Galway he was in the house when he heard shots?—He did not swear it in Galway.

Ask him did the police, when his brother was in gaol, ask him about the murder. Ask him (the *Interpreter*.—The witness, sir.) *Witness*.—They used to be.

Ask him what did he say to the police when they asked him, when his father was in gaol. They used to be saying. (To Mr. Justice O'Brien.) My lord, they used to be saying we know nothing about it, expecting our father out.

Did he say to the police, his mother was at Luke Kerrigan's, of Bohaun, the day the murder was committed?—He did not.

Was he examined here on the last trial?—He did. He was examined here on the last trial.

Did he swear at the last trial that he told Luke Kerrigan—

Mr. *Murphy*.—I beg your pardon. He swore the very opposite, Mr. Adams.

Mr. *Adams*.—That he told the police?

Mr. *Murphy*.—Yes; he certainly denied that he ever told the police any such thing.

Mr. *Adams*.—That certainly is not my recollection of the evidence. Most distinctly he told the opposite.

Mr. Justice O'BRIEN (here referred to his notes).—His mother denied it, and, I remember, said it was not true.

Mr. *Adams*.—Was there a child sick?—Yes, and he never said his mother was at the house.

Mr. Justice O'BRIEN.—I will give you my notes. He said to Tom Finn that his mother was there—out away at Luke Kerrigan's the day it happened. Then I put the word query opposite him, and I corrected it immediately when he came to the next answer, "She was not."

Mr. *Adams*.—And she was not, that appears to bear out what I said. That is "I said to the police she was, but she was not."

Mr. Justice O'BRIEN.—I was myself in doubt whether he was telling she was there or that she was not.

Mr. *Adams*.—But, my lord, the question I asked him now was whether he told the police she was. As I understand your lordship's note, it is that he did swear it the last day.

Mr. Justice O'BRIEN.—I told you first of all, I was uncertain whether he said, she was or was not. I put query beside it in my notes, when I came to read it over, and then I saw it was not.

Mr. *Adams*.—That would appear she told a lie. May I ask the interpreter the question.

The *Interpreter*.—I can only swear to my recollection.—To his lordship, am I bound to answer that. I don't want to answer that, my lord.

Mr. Justice O'BRIEN.—Do you, Mr. Murphy, think that is proper evidence to be given by interpreter.

Mr. *Murphy*.—I think not, my lord.

Mr. *Adams*.—I won't press it so very far, for your lordship also appears to have been in doubt at first. I was not certain about it.

(To *Interpreter*).—Ask him did he swear on the last day that he told Constable Tom Finn that his mother was at Luke Kerrigan's at Bohaun the day the murder was committed?—He did not tell it.

Ask him what he told the police when he was asked if he knew anything about the murder, when his father was in gaol?—He used to say he did not see it, expecting his father out.

And he never said a word about it for nine months?—He did not. The police used to be inquiring and seeing if they could get the Huddys.

Matthias Kerrigan sworn, and examined by the SOLICITOR-GENERAL.

When the witness was sworn—

Mr. Justice O'BRIEN addressing Mr. Adams, said—I said it was doubtful, Mr. Adams, whether his answer was—"She was not there at any time. There was a sick child at Luke Kerrigan's. Asked did his mother go, he said she did not." That is what I have of the evidence of the boy Martin.

The *Solicitor-General* (to witness, Matthias Kerrigan, junior)—On the morning that the Huddys were murdered where were you?—He was for a load of turf.

What time had he left in the morning?—Just as the sun was rising.

And when he came back did he see any one near his father's house?—He did.

What did he say?—Thomas Higgins, Patsey Higgins, and Michael Flynn. He saw these three men there.

Did he see any of them do anything?—He saw Tom Higgins and Michael Flynn murder the boy.

Where?—At the back of the barn.

Did he see the body of the old man at that time?—He was at the boreen—on the boreen,

Did he know Michael Flynn well?—He did.

Is that him there?—Witness turning round, looked at the prisoner, and replied "That is him."

Did he see what became of the body of the old man?—He saw it put into a cleave.

What was done with the body of the boy?—Put into a bag.

Where was the bag got from?—He does not know, for they had it when he came up.

Where was it taken, what was done with it?—The boy was put into the bag.

When the boy was put into the bag what was done with the old man?—They went on there in front of the boreen.

Two of them?—Yes.

What was done with the sack with the boy in it?—Tom Higgins told witness, "Put this on you."

What did the witness do?—He replied he would not.

What happened then?—He told him to hoist it, or he would not be thankful.

Had he to do it?—He had to do it.

What did he do with it?—He brought it as far as Corbett's.

Along the boreen?—On the boreen.

When he came to Corbett's did he see anybody there?—He did.

Who?—He saw Pat Mannion come out of Corbett's.

What was done to Pat Mannion?—Thomas Higgins came to him and told him to hoist it on him.

Was he anxious to do it?—He believes that he told him he would put him or make him sorry if he did not put it on him.

What was done then?—It was taken off his and put on Mannion's back.

How far did Mannion carry it?—He brought it as far as his own little cross roads.

Where was Michael Flynn at that time?—Himself and Pat Higgins were gone out on the other side with the basket or cleave.

Does he know a man called Pat Higgins (Sarah)?—He does, well.

Did he see him there too?—He saw him at Thomas Corbett's that day.

What happened to Pat Higgins (Sarah)?—He walked out with them.

Where to?—He walked with them, for they told him to come on with them.

Now, was the sack put on Pat Higgins (Sarah)?—Yes, when it was taken off Pat Mannion after he got tripped.

Where was he tripped?—He was tripped at Corbett's, and again when they were hoisting the bag on him.

Where did the witness go after that?—He went to his own house.

That is, turned back?—Yes; and he was going to say where Mannion went.

Yes?—He went to his own house.

Was that the last he saw of the bodies at that time?—That is all he saw of them.

Cross-examined by Mr. TEELING.

Ask him whether he brought back a load of turf that morning?—He did.

Now ask him how long it took to go for the turf and to bring it back from the time he started?—About an hour.

Now ask him was he in jail himself in Galway charged with this murder—as being one of those who committed the murder?—He was.

How long was he in Galway jail charged with the murder?—He is not sure whether it was a fortnight or three weeks.

Was his father in jail at the same time with him?—He was.

Was it as a suspect that he was in for those three weeks?—He understood it was, because the murder was done at his house.

Now ask him does he know that if he does not clear himself of taking the bodies down that day—distinctly—that he is liable to penal servitude for life?

Mr. Justice O'BRIEN.—I beg your pardon, Mr. Teeling. How do you make that out?

Mr. Teeling.—In this way. The question here is——

Mr. Justice O'BRIEN.—You must make out that proposition, Mr. Teeling, first, for which I see no ground in point of fact.

Mr. Teeling.—I will put it in another way.

Mr. Justice O'BRIEN.—I simply state in point of fact, that it is now impossible that that could be done, as he has been examined on several trials.

Mr. Murphy.—He has been examined over and over again about it.

Mr. Justice O'BRIEN.—He has; and the Crown have accepted his evidence.

Mr. Teeling.—Does your lordship rule against me?

Mr. Justice O'BRIEN.—Yes. It is wholly impossible in point of law.

Mr. Teeling.—We have no evidence here of a *nolle prosequi*, or anything else.

Mr. Justice O'BRIEN.—No evidence whatever. It is quite unnecessary.

Mr. Teeling.—If your lordship rules against me——

Mr. Justice O'BRIEN.—I rule it is not legal evidence.

Mr. Teeling.—And I submit to your lordship's ruling.

John Halloran sworn, and examined by Mr. MURPHY, Q.C.

Halloran, do you recollect the day the Huddys were murdered?—I do, sir.

Were you and your son bringing oats into your barn that morning?

—Yes, sir.

Do you recollect hearing some shots?—Yes, sir.

Had you to go some distance after leaving the oats in the barn in order to get a view of the boreen?—I stood at the corner of the garden wall.

After hearing the shots?—Yes, sir.

Did you take a look over the wall?—I did, on every side.

Up and down?—Yes.

Was your son with you?—He was.

Did you look towards the road at Kerrigan's?—Yes, sir; along——

I am not asking you where you looked. Did you look towards the road at Kerrigan's?—I did.

Did you see some men there?—I did.

About how many?—About two or three.

With their backs towards you?—Their backs were to me, but I did not know them.

You did not get a look at their faces?—No, sir; I saw the upper part of their body—from their heads.

Do you know Patrick Higgins who lived in this house—pointing to model?—I do, sir.

Did you see him in the boreen?—He was in the boreen.

Whereabouts?—He was convenient to his own house.

You know where this goes (pointing to model) up between him and Kerrigan. Does his garden come on to this point here (pointing to model)?—Yes, sir. He had his back to the wall of his own garden.

Near this point—pointing to model?—He was nearer to his own house than Kerrigan's.

But he was standing at the wall?—He was, and his two hands fell down.

And he was the only person you saw there except the men you saw here—pointing to model?—Yes, sir.

Whereabouts were the men you could not know?—They fell down.

Was it about here—pointing to model?—Yes, down on the corner.

What corner?—The same as if they were walking down it.

And you took only a short look and went away?—I got a good look at them.

You had a good look at them?—Yes, over the wall.

You told us that. Now, tell me, did you make any information?—Yes, sir.

Did you swear the truth in that?—I did, sir.

Did you swear this, “I did not know any of the men”?—No sir, I did not.

Did you swear you saw long Patrick Higgins?—I did, sir.

But you said you did not know any of the other men?—I did.

“Tom Higgins or Michael Flynn, might be there without my knowing them”—did you swear that?—Yes, sir.

“I only gave one look across the wall”?—Yes, sir. I did, and went back to my own house.

You know Michael Mannion?—Yes.

Cross-examined by Mr. ADAMS.

Is the prisoner here a neighbour of yours?—He is.

Do you know him well?—Yes, your honour.

Do you know his appearance well?—Yes.

Had you often seen him about the place?—Yes.

Constantly, for years?—Since he was in the neighbourhood, and I never saw anything wrong with him.

Mr. *Teeling*.—Will your lordship let me ask one of the other witnesses a question—I forgot to ask it when he was on the table.

Mr. Justice O'BRIEN.—Of whom, Mr. *Teeling*.

Mr. *Teeling*.—Young Matthias Kerrigan.

Mr. Justice O'BRIEN.—Certainly, Mr. *Teeling*.

Matthias Kerrigan, jun., re-called.

Mr. *Teeling*.—Ask him while his father was in jail did the police come and ask him any questions about the murder?—They used to be going round. They did not put many questions to witness; but they used to be going round.

Mr. Justice O'BRIEN.—Did you say many or any?—Not many, my lord.

Mr. *Teeling*.—Did they ask him whether he knew anything about the murder?—The first night they came to him, and before that an odd time.

Did they ask him whether he knew anything about the murder?—I put that question to him, sir.

Mr. Justice O'BRIEN.—Ask him to answer that question, and what he said if necessary?—They often asked him, and then I asked him—the witness—what did he say.

Mr. Justice O'BRIEN.—Very well, ask him that question again.

Mr. *Teeling*.—While his father was in jail?—That is what I have asked him, sir.

Mr. Justice O'BRIEN.—What does he say?—He told them he had no knowledge whatever, my lord.

Mr. *Teeling*.—Ask him this question, if you please—Didn't he tell the police lies about the matter?—He could not help it. It was because he was afraid.

Now, ask him this question—Whether before—say the 20th September, which will do for my purpose—he did not know that if he did not clear himself of having taken down one of the bodies, that he was in danger himself of punishment.

Mr. Justice O'BRIEN.—Ask him before his father was let out of jail did he know he was in any danger himself of being charged with this murder unless he told the story he now tells?—He says he was afraid to tell.

Mr. Justice O'BRIEN.—Ask him why he was afraid to tell?—He was afraid until he told the police in Galway, and when they got them down there they told them there.

Mr. Justice O'BRIEN.—They were afraid until he told the police in Galway?—So he says, my lord.

Mr. Justice O'BRIEN.—Ask him what he was afraid of?—For fear he would be killed, as they killed the Huddys.

John Halloran, an Irish-speaking witness, sworn, and examined by the SOLICITOR-GENERAL.

Where was he at the time the Huddys were being killed?—Carrying corn into his barn from the yard.

With his father?—With his father.

What did he hear first?—He heard a shot.

What was he doing when he heard the shot?—He was carrying in an armful of oats and corn.

Did he go in with it?—Yes, and made it up inside.

When he had made up the corn, what did he do then?—He went out into the garden—into a corner of it.

And from the place where he went up could he see Kerrigan's house?

—When he went into the other corner of the garden he got a view of Kerrigan's house.

Did he see any person on the boreen?—Four men.

Did he know any of the men he saw on the boreen?—He did not.

No man at all?—He did not, but Patsy Higgins between two houses on the boreen.

Had the other men their faces towards him?—They had their polls—their backs.

The backs of their heads?—Yes.

Did he know them at the time?—He did not.

Was that because their backs were towards him?—He did not take any notice of them at all.

He did not take any notice of them?—He thought of nothing.

What did he go down to the wall for?—To look.

To look at what?—He was looking at nothing, but standing there.

What made him go to look there?—No reason but hearing the shot.

To see who fired the shot?—He thought of nothing.

Was it to see who fired the shots?—It was not—he thought of no one.

What did he go to look for?—He often went there to look about him.

His father and he went together?—His father was with him.

After they heard the shot?—Yes.

And they left their work?—He left his work there.

And does he swear he did not go to hear what the shots were?—He does not know what reason the shot was fired for.

Mr. Justice O'BRIEN.—Does he say that now?—He swears he did not know what reason the shot was fired for.

The *Solicitor-General*.—Does he swear that now?—Now.

And now he doesn't know?—And swearing it.

Does he believe it had anything to do with the death of the Huddys?—

Mr. *Teeling*.—Do you think that a proper question my lord?

Mr. Justice O'BRIEN.—Perfectly; I will allow this witness to be cross-examined, both on account of his demeanour and his previous statement.

The *Solicitor-General*.—Does he believe now it had anything to do with the murder of the Huddys.

The *Interpreter*.—He is speaking in the past. I have asked him in the present.

The *Solicitor-General*.—Does he know now what the shot was fired for?—He could not tell.

What did he leave his work for?—He does not know, he often went there to look about.

It was not because he heard the shots?—It was not.

Mr. Justice O'BRIEN.—Does he now believe that shot killed anybody—let him answer that question for me—I am asking him does he believe whether that shot killed anybody—let him answer that?—His first reply was, he did not believe; he now says he does not know whether it did or not.

The *Solicitor-General*.—He left his work?—He did.

For nothing at all?—Without any reason.

And his father did the same?—He was with him.

And they looked over the wall?—They did.

Down towards Kerrigans?—They did.

And that was not because there was any shot there?—It was not because they heard the shots, but because they often went there before.

Why did he go there?—Because he often went there.

Did he and his father leave their work and go for fun to look over the wall?—It was not for fun, but to look because they had business to look after, sheep and other things; that was their way.

Does he swear they went to look after sheep?—It was not to look after sheep.

What else was it?—Nothing; they often went there.

Did he and his father talk about the shot?—They did; they could not tell who fired it.

Did he swear when he heard the shots he looked to the boreen towards Kerrigans?—He did swear it.

Did he swear this—"I saw three or four men on the boreen"?—He did swear it.

"I saw long Pat Higgins on the boreen between Patrick Higgins and Kerrigan's house"?—He did swear it.

"Thomas Higgins or Michael Flynn might be there without my knowing it"?—They could not be there without his knowing it.

"Their backs were towards me"—They were.

Does he know the prisoner Flynn well?—He knows him well.

Was he looking at him, and was Flynn looking at him, just before he came up on the table?—He did.

They exchanged a look at each other?—The witness looked at Flynn, but he could not say whether Flynn looked at him or not.

Mr. Justice O'BRIEN.—That's so exactly.

Patrick Mannion, an Irish-speaking witness, sworn, and examined by Mr. MURPHY, Q.C.

Ask him does he recollect the day the Huddys were killed?—He remembers the day he left James Corbett's house, and they came towards him.

Had he gone that morning after breakfast from his own house to James Corbett's?—It was after breakfast that he came over.

Ask him who was in James Corbett's?—There was no one but an old man who was lying in his bed for a year.

After he came out of James Corbett's and got on the boreen, did he meet any persons coming along from Higgins's house and that direction?—He did.

How many persons did he see first?—Three.

Ask him did he know who they were?—He saw Matthias Kerrigan's son, Thomas Higgins, and Pat Higgins (Sarah).

Had Matthias Kerrigan, the young man, anything on his back?—He had a bag on his back.

Did Tom Higgins do anything to him, or say anything to him?—He came down from the street on the boreen, and told him to walk out, and witness said he would not.

What did he do then?—He said to him he should walk out.

What did he do to him?—He pulled him and shoved him on.

Mr. Justice O'BRIEN.—How did he pull him?—He put his hand on the collar of his coat—using the word "punching" him.

Mr. *Murphy*.—What was done then?—The bag was taken off Kerrigan's son and put on witness's back.

How long did he carry it?—He was driving him on then before him.

Who was driving him on?—Thomas Higgins, to try and make haste, but he was not able to do it. Then he brought it to his own little cross-roads.

Had Tom Higgins his hand on him when pushing him on?—Shoving him on, trying to make him walk fast. When he went to the head of the road the bag was falling off him.

What did Higgins do?—He went to help the bag on him again, and witness tripped on one knee.

What happened then?—When he was tripped on one knee he did not look again until they were some distance away from him, and he could not say whether it was Tom Higgins or Pat Higgins (Sarah's) back it was taken away on.

What did he and Matthias Kerrigan do?—He turned into his own house, and Kerrigan turned up his.

Cross-examined by Mr. ADAMS.

Ask him did he know what was in the bag till it was put on his back?—When the bag was hoisted on his back, he saw the shoes out, and then he shook.

When he saw the shoes out, did he know whose body was in the bag?—He did not, sir.

Ask him did he ask whose body was in the bag?—On his soul he did not. He didn't speak one word black or white about it.

Ask him did he know that he could be punished for carrying the body that day unless he showed that he was compelled to do it by some person else—punished by the law?—No, he did not, for he had to do it in spite of him. It was not with his will he did it.

Did he know that if he did it with his will he would be punished?—He has no knowledge of it—he had to walk out.

That is not the question—ask him again did he know that if he carried the body with his will, and without any compulsion, he could be punished for that?

Mr. Justice O'BRIEN.—It is subject to many degrees of punishment. He might be tried for murder, or for many other things—he might be tried under the Anatomy Act.

Mr. *Teeling*.—For murder, my lord—that's more to the point.

Mr. Justice O'BRIEN.—Ask him if he did that with his will, did he know he might be brought into the murder?—Didn't he tell him that the haul was put on him.

Thomas Mannion, in Irish-speaking witness, sworn, and examined by the SOLICITOR-GENERAL.

Is he a son of Patrick Mannion?—He is.

Does he remember the police coming to look for the Huddys?—He does.

The morning before the police came, was he in his father's house?—He was.

Does he remember the day the Huddys were murdered?—He does.

Does he remember being on the boreen that morning?—He does.

Early?—When he got up they put the potatoes down, and after he had them eaten he went out.

Did he go out to the breen before his father went down to Corbett's?—He went out early.

When he went out to the breen did he see any one that he knew?—He did.

Who?—Michael Flynn.

Is that the man (pointing to prisoner)?—It is.

Where did he see him?—Between James Corbett's and Pat Macken's.

Did Michael Flynn speak to him?—He told him to go on home—to go on home and not be on the breen.

Did he go on then?—He did.

And did he leave the prisoner behind him standing on the breen?—He remained on the breen behind the witness.

What way did he say it to him, was it quietly or what way did he speak?—He spoke to him quietly as he would any time.

Did he tell him the reason why he should go off the breen?—He did not.

Then he went?—Then he went.

Cross-examined by Mr. TEELING.

Ask him whether the police came to ask him any questions about the murder while his father was in jail—I mean while Kerrigan was in jail?—They used to come at times round questioning the people.

Did they ever question him?—They did.

What did they ask him?—They were asking him if he had any knowledge of it.

What did he say in reply?—He told them he had no knowledge of it.

Was that true?—It was true.

It was true then he did not know anything about the murder?—He had no knowledge of who committed the murder more than I had who was here.

Ask him does not he know that his father carried one of the bodies down a portion of the breen?—He never told them one word about it until he was a fortnight in Galway before him.

Did he not know on the day of the murder that his father had carried one of the bodies down a portion of the breen?—He did not know it and the father did not tell him.

The *Solicitor-General*.—Did he see or know anything about the murder on that day?—Not a bit under the sun.

Does he know anything about it except what he has told?—Nothing but what he has told before all these gentlemen.

William Henry Ellis, sworn, and examined by Mr. MURPHY, Q.C.

You were one of the crew of the cutter *Valorous*?—Yes.

And were searching in Lough Mask for the murdered bodies of these people?—Yes.

And you were there when they were taken out of the lake?—Yes.

One of them was in a sack?—Yes, the young one.

Let those stones be produced. You know the place where this breen goes down?—No, sir, I don't know it.

Was there a stone in the sack with the young boy?—I could not say a large stone—there were several stones.

You did not wait to see the sack opened?—I did not wait.

With respect to the body of the old man—there are the stones that were attached to him [two immense stones produced]?—They are.

How were these secured to the legs?—They were attached with a rope.

Securely fastened?—Securely fastened to the stones.

You saw the stone weighed?—Yes, 2½ lbs.

Constable *Terence Dowd* examined by the SOLICITOR-GENERAL.

You are a Constable in the Royal Irish?—I am.

Do you remember seeing the bodies of the Huddys after they were taken out at Wood Island?—I do.

Did you take papers from the body of the old man?—I did.

There they are—you examined them before?—I did.

There are six of them. These are the documents. They were all joined together; they were very muddy and I had a great deal of trouble drying them and getting them apart.

Were they all in one pocket?—They were not.

Were there any other documents but these?—

Mr. *Teeling*.—I respectfully submit this cannot be given in evidence against my client. Some of these are ejectments at the suit of Lord Ardilaun against the prisoner. As I understand there are ejectments against other tenants. I respectfully submit that the proof of ejectments when they were given to this man against others is not evidence.

Mr. Justice O'BRIEN.—Do you mean to say that the names of the ejectments cannot be read. It is merely a matter of fact proved, that certain documents found on the body of the deceased were documents which were given to him a short time before by Mr. Goode of the estate office.

Mr. *Teeling*.—These documents have been heretofore used in other cases, and, no doubt will be used in this case to construct a motive against the prisoner.

Mr. Justice O'BRIEN.—It is admissible to show the duty this Huddy had to perform and whether it had been performed.

Mr. *Teeling*.—As no part of that duty—that's my point—as no part of the duty to be performed by Huddy had any reference to the prisoner at the bar, I submit, my lord, they cannot be relevant now against the prisoner.

Mr. Justice O'BRIEN.—Not even to show where the deceased men had gone, or were to go?—

Mr. *Teeling*.—I would submit not as against the prisoner at the bar ; it might be very good as against other persons.

The *Solicitor-General*.—It is clearly evidence—the weight of it is another matter.

Mr. Justice O'BRIEN.—It does not lead to any presumption against your client.

Mr. *Teeling*.—I submit, my lord, of course to your ruling——

Mr. Justice O'BRIEN.—It cannot be used against your client.

Mr. *Teeling*.—Thank your lordship, but I know how it has been used before, as your lordship must know ; if your lordship rules against me I would ask you to reserve this question for the Court of Criminal Appeal.

Mr. Justice O'BRIEN.—They are entitled to show there was a civil bill given to the deceased for service on Patrick Higgins, that no copy was found on the body of the deceased, and that that leads to the presumption that Patrick Higgins had been served with that bill, and incidentally confirms the statement of the Kerrigans that he was seen on that road at the time of this crime.

Mr. *Teeling*.—Take it, my lord, that at the latter end of December, a document is given to Huddy for service on Patrick Higgins (Long), how can that raise any presumption that upon the 3rd January—because that is what we have to deal with here—there being several days intervening between the date when they are first given to him, and the 3rd January—I submit that that could be no evidence of the presumption even of the service being effected upon the 3rd January upon Patrick Higgins (Long).

Mr. Justice O'BRIEN.—Although we have it in evidence that Joseph Huddy left his own house on that day, and went down that very road, and we have it in evidence that he served a woman named Mary Walsh, and a person named Moran. If in Patrick Higgins' case the presumption is so strong that he was actually served at the same time, does not it apply to the presumption that he was served on that particular day?

Mr. *Teeling*.—*Non constat*, but that between any days—the day it was given in December, and previous to the 3rd January, that it was served on Patrick Higgins alone.

Mr. Justice O'BRIEN.—I will admit the evidence.

Mr. *Teeling*.—I ask your lordship to reserve the question for the Court of Appeal.

Mr. Justice O'BRIEN.—A very much more serious difficulty must arise before I reserve any question for the Court of Appeal against my own common sense, which I never do. I am clearly of opinion that the evidence is distinctly admissible—that any circumstance connected with the discovery of the body when it was found is admissible.

Mr. *Murphy* (to witness).—Are these the only documents found with Huddy?—The only ones I got.

Were they all in the same pocket?—No, they were not.

What pockets were they found in?—Some of them in the right inside pocket and some in the other.

Was there any coat with the body besides the coat that was on it?—There was.

There was an overcoat with it?—There was.

Was it attached to the body?—I did not see it.

Joseph Lichfield sworn, and examined by Mr. MURPHY, Q.C.

You are an able seaman on board the *Valorous*, and you were searching with your officer in Lough Mask?—Yes, sir.

Do you recollect these bodies being found?—Yes, sir.

How was the stone attached to the old man—was it to the feet?—I could not say exactly how the stone was attached to him.

Did you see a large coat there?—Yes.

Where was it found—was it round the body of the old man?—Yes.

And did you give it to the police in the same state as you found it?

—Yes. We had to cut off the stone before we got the body into the boat, because the stone was so heavy.

What part of the old man was the coat around?—Round his body.

Where was it tied?—I think the coat was tied with the rope that had the stone as well.

Mr. Justice O'BRIEN.—It was not on him—the hands were not in the sleeves of the coat?—Oh, no.

Mr. *Murphy*.—It was merely gathered round him.

Dr. John Hegarty sworn, and examined by Mr. MURPHY.

You saw the body of the old man, Joe Huddy, up?—Not when found.

After?—Yes.

How many bullet wounds did you find in the head?—Four.

And two of them were fatal?—Yes.

Where were these two?—One in the forehead, and the other behind the head.

Both penetrated the brain?—Yes.

You found the bullets lodged in the brain?—Yes.

And the two others?—They glanced off—one on either side.

You saw a fifth bullet wound?—Yes, on the right shoulder.

The boy—how many bullet wounds did you find on the boy?—Two on the head.

Would each of these have been fatal?—Yes.

Where did they penetrate?—They penetrated the brain.

One on each side?—No, both on the left side, one behind and the other further back.

Cross-examined by Mr. TEELING.

I presume, doctor, you made, as you always do, a most careful examination of the body?—Yes.

I believe that your attention was particularly called to the head?—Yes.

In addition to the bullet wounds you found in the head of old Huddy, did you see any other wound or abrasion of the skin on the head?—No, I did not.

Mr. *Murphy*.—He was a very old man?—Yes.

And could he have been knocked down by a blow on the head from behind, without leaving any mark, before he was shot?—Not on the head, I think.

On the back of the head?—If there were clothes on him.

Would the swelling have been there for three weeks after he died?—If he hit him with a stone on the back of the head.

If it cut him?—Yes.

Do you mean to say it would be necessary to cut him on the back of the head in order to knock down an old man of over seventy?—I believe if a stone struck the man——

Did you say when you were examined here before—did you swear it would be necessary to knock down an old man of seventy with a stone you should have to cut him?—I did not swear that.

It would depend on the kind of stone he was hit with?—Yes, of course.

And the place and way where he was struck?—Yes.

If he got a thrust on the head, even with the open hand suddenly from behind, with such an old man, might it not knock him down?—Yes.

And the dead man might have the collar of his coat up?—Yes.

Mr. *Teeling*.—Assuming that the coat was not between the stone and the head, and that a Galway stone taken out of a wall such as you are familiar with here—assuming that it was merely not a little stone, but one of these Galway stones out of such a wall as that—

Mr. *Murphy*.—I object to such a question as that.

Mr. *Teeling*.—And if it actually struck the head, not being intercepted in any way by the coat or anything, would it not leave a mark?

Mr. *Murphy*.—Don't answer that question.

Mr. Justice O'BRIEN.—I attach as much weight to medical opinion when contrasted with common sense as I think proper. (To witness.) Did you not say the other day that it would depend on many things?—I said if Huddy had clothes intervening it might not.

Did you not say it might depend on twenty things—first of all the form of the stone, whether it was round or smooth, whether he had on his hat or not, the distance from him, and you even went to this extent that you told me it would be difficult to give an opinion—didn't you say that?—Yes.

Didn't you say in addition to that that the fact of death taking place immediately afterwards, and vitality being necessary in almost every case to inflammation, and there being five serious wounds on the head, and the hæmorrhage and depletion of blood might have prevented any mark resulting?—I did. I said that.

Mr. *Teeling*.—But assuming that none of the circumstances mentioned by his lordship existed, if Huddy had been struck on the bare open head with a stone—in that case, in your opinion, would it leave a mark?

Mr. Justice O'BRIEN.—You cannot enter into circumstances that did not exist.

Mr. *Teeling*.—I only ask the question.

Mr. Justice O'BRIEN.—Ask him about facts of the case.

Mr. *Teeling*.—There is no evidence here that the top of his coat intervened.

Mr. Justice O'BRIEN.—Leave the top of the coat out of the question altogether. Let us treat the matter with common sense, and putting aside the question of medical opinion, and whether the coat or hat intervened, and bearing in mind that he was a man of more than seventy years of age. I ask you, suppose he got a blow, and that his head was not cut, and that death ensued soon afterwards, and that hæmorrhage and depletion took place, would it not produce some influence on the inflammation of the head and prevent the appearance of it?—Quite so. To be sure it would.

Mr. *Teeling*.—I ask your lordship to ask him would the blow leave no mark at all—that is leave no abrasion of the skin?

Mr. Justice O'BRIEN.—Don't you know in your experience every day bruises from stones have caused no abrasion of the skin at all?—Precisely, I do.

And would not the blow of a round stone cause no abrasion of the skin, but merely a swelling?—Precisely so.

And if a man received a blow of a stone that produced no abrasion of the skin, and no fracture of the skin, and no severance of the skin, would it not be the certain result of hæmorrhage taking place from wounds in the same locality that it would diminish or take away altogether the effects of any contusion?—Quite so.

And if you found four wounds on the head your attention was not particularly directed to the examination you made of the other portions of his person?—Oh, it was.

If you found four bullet wounds on the head would it account for his death?—Yes, but I paid particular attention to the body afterwards. I had two other doctors with me.

Patrick Kyne sworn, and examined by the SOLICITOR-GENERAL
(Interpreted).

Ask him does he live in Cloughbrack with his brother?—Yes, he does.

What is his brother's name?—Luke Kyne.

Did Joe Huddy serve him with any process in January last?—He did not.

Ask him were he and his brother at home on the day the Huddys were killed?—They were, indeed.

Did he see Huddy that day at all?—He did not, indeed.

Luke Kyne, sworn and examined by Mr. MURPHY, Q.C.

You live with your brother Pat?—I do, sir.

Do you recollect the day you heard of the Huddys being killed or the day after?—I did at the night.

Had you seen Joe Huddy at all that day?—I did not.

He did not serve any paper on you or at your house?—No.

Were you at home all that day?—I was.

Head Constable *John Wynne*, examined by the SOLICITOR-GENERAL.

Did you arrest the prisoner Michael Walsh?—I did.

On what day?—On the morning of the 25th September last.

Had he been in custody before, do you know?—I believe so.

Where did you arrest him?—In his own house in Cloughbrack.

When you arrested him did he say anything?—After I arrested him, I gave him the usual caution.

Mr. Justice O'BRIEN.—Did you tell him what the charge was?—I did.

What did you tell him?—I told him I arrested him on the charge of murdering the Huddys with others, on the morning of the 3rd January last.

What hour of the day was it?—Between four and five in the morning.

Was he in bed at the time?—Yes.

In his own house?—Yes, at Cloughbrack.

The *Solicitor-General*.—Did he get up then?—He did.

And put on his clothes?—Yes.

Did he do anything?—He put his hand into his breast pocket and brought some documents to his wife on the floor.

Mr. Justice O'BRIEN.—That was in the clothes he put on?—Yes, after dressing himself.

The *Solicitor-General*.—What did you do?—I took them from him.

Do you know these [documents produced]?—Yes.

Are these the documents?—Yes, along with the other papers I took from him.

Mr. *Teeling*.—I respectfully submit, my lord, for it would be affectation to pretend that I did not know the *Solicitor-General* has read them—that these documents are not evidence against the prisoner at the bar.

Mr. Justice O'BRIEN.—*Quantum valeat*. They do not necessarily establish a charge of murder. They are merely documents found with him at the time. They are not inadmissible as evidence.

Mr. *Teeling*.—What I would respectfully press is that not being incriminatory, the fact that they are found in his possession does not entitle them to reception as legal evidence.

Mr. Justice O'BRIEN.—Although he hands them to his wife. Suppose he handed a pound note to her.

Mr. *Murphy*.—It would be taken *quantum valeat*.

Mr. *Teeling*.—Evidence to be relevant should be evidence to connect the prisoner at the bar with the crime of murder. If not relevant to that charge it is not relevant to the issue, and not being relevant to the issue is not relevant to the cause. I respectfully submit they are not evidence unless they contribute some proof of the guilt of the prisoner at the bar of the crime of murder.

Mr. Justice O'BRIEN.—I decide they are admissible as indicating, at all events, some connexion as existing in the prisoner's own mind, and the charge as expressed to him, though they may not lead in that direction very far.

Mr. *Teeling*.—I respectfully submit the condition of the man's mind could not be evidence.

Mr. Justice O'BRIEN.—Why not? If a man throws away a cartridge when he is arrested, what is the connexion?

Mr. *Teeling*.—If a man is arrested on a charge of murder, the cartridge would be most conclusive evidence.

Mr. Justice O'BRIEN.—If a man was arrested on a charge of stealing—an ordinary charge of stealing—would it not be evidence if he pulled a pound note out of his pocket and threw it from him?

Mr. *Adams*.—They are not putting in all the documents they found on the prisoner, and they are making selections.

Mr. *Murphy*.—Certainly, we are.

Mr. Justice O'BRIEN.—Every document found on him.

Mr. *Teeling*.—We are entitled to see them.

The *Solicitor-General*.—Certainly.

Mr. Justice O'BRIEN.—It may be that he was giving these documents to his wife for safe keeping.

Mr. *Teeling*.—That will be our respectful intention, my lord.

The *Solicitor-General* (to witness).—What else did you find with him?—I found 2s. 1½d.

Cross-examined by Mr. ADAMS.

Do you know where this man was on the 22nd August? I see this letter bears date the 22nd August. Do you know of your own knowledge?—I don't.

Do you know was he imprisoned as a suspect?—I believe so.

Do you know at what time he returned to his residence at Cloughbrack?—I do not. I am not stationed in the district. I am in the town of Galway.

Do you believe he was arrested as a suspect?—I do.

Mr. Justice O'BRIEN.—Was it in Galway jail he was confined?—He was there latterly, at all events. I believe he was in a couple of jails.

Mr. *Adams*.—Do you see these initials there at the corner of the letter "J. W."?—I do.

Do you know yourself what these initials are?—It was I put them on and the date.

Did you find any envelope with that letter?—I got three envelopes altogether.

Let us see them [envelopes produced]. That I see is a letter directed to the prisoner at Kilmainham prison, Dublin?—I notice that.

And it bears the post mark of the 20th September.—

Mr. Justice O'BRIEN.—What is the date of the letter?

Mr. *Adams*.—The letter is dated the 22nd August. (To witness).—Have you any doubt that the man was in prison as a suspect upon the 22nd August, 1882, when that letter is dated?—I cannot say.

Mr. Justice O'BRIEN.—Is the letter addressed below?

Mr. *Adams*.—It is not.

Mr. *Murphy*.—There is no doubt he was in custody at that date.

Mr. *Adams*.—It bears no direction. It is headed "Irish National Land League. Mr. Michael Flynn. Dear Sir." It has no envelope, but I believe there can be no doubt whatever that on the 22nd August, 1882, and for three weeks afterwards the man was a prisoner in one of Her Majesty's jails, or a suspect, and that this letter, in order to reach the hands of the prisoner, must have passed through the hands of the prison authorities.

Mr. *Murphy*.—The latter part we don't admit. The statement that he was in custody in August is perfectly true, but where the letter came to we don't know.

Mr. Justice O'BRIEN.—It may be directed to him at another place.

Mr. *Adams*.—(Reading letter.)—"Your letter to hand this morning." So it must be an answer to a letter that was written on the 21st August. That man was undoubtedly then in jail, and the letter written by him in jail, must have passed into the hands of the officers of the jail. (To witness). Do you know what are the initials there in the corner?—No.

These are the initials I presume of the governor of the jail?—One of the letters has initials on it.

Is it the address of Mr. Parnell that has the initials on?—No.

Did you find any book in his possession?—None, except that memorandum book. I found nothing more than what I have mentioned.

Mr. *Teeling*.—If necessary you will give us copies of these two letters.

Mr. *Murphy*.—Certainly.

Mr. Justice O'BRIEN.—What do you want them for?

Mr. *Teeling*.—They are documents found on the prisoner.

Mr. Justice O'BRIEN.—Do you wish to comment on them.

Mr. *Teeling*.—One is written very illegibly in pencil, and I don't know what it is.

Mr. *Murphy*.—You will get anything you want.

Mr. *Teeling*.—We have Miss Nally's letters here, but we would like to have copies of the other letters.

Mr. Justice O'BRIEN.—I understand the Crown read but one letter.

Mr. *Teeling*.—That was so.

The *Solicitor-General*.—We have not read any of these three documents. These are the three I have read. There is one letter and a piece of paper along with it, and this ticket.

Mr. *Adams*.—I understand it is admitted that this man was in prison as a suspect for six months, up to 22nd September.

Mr. Justice O'BRIEN.—I took it that he was in gaol, on the 22nd August.

Mr. *Adams*.—And for months before, and did not come back until the 22nd September. There is certainly some sign of official initials on that corner (To witness). Do you know that all letters passing in and out of gaols are read by the authorities?—Certainly, they are.

Mr. Justice O'BRIEN.—On what date did the Crimes Act pass?

The *Solicitor-General*.—The 12th August, I believe.

The *Clerk of the Crown*.—In July.

Mr. *Adams*.—The 3rd July.

Mr. *Teeling*.—The date of the Crimes Act was the 12th July, '82.

Mr. *Adams*.—There is no doubt he was in jail when he got that letter, and he sent that letter to it as an answer.

Mr. Justice O'BRIEN.—Do you think it matters, Mr. Murphy, bearing in mind that the effect of these documents is really not leading at all in the direction that you wish to carry them, to give them in evidence at all?

Mr. *Murphy*.—I most respectfully submit that they are in evidence, and as found upon the man on trial. I admit they were received in prison, and received under the eye of the governor of the jail, but they show the position the prisoner occupied relatively to the other persons in the neighbourhood, as a man of intelligence and so forth; and of course they are of importance, considering the circumstances out of which this crime arises, and the circumstances attending the facts, with respect to the service of these documents, and with respect to the woman, Mannion, that came out to-day. It is all admissible.

Mr. Justice O'BRIEN.—They are admissible in my opinion as matters of evidence.

Mr. *Adams*.—The suspects received money from the Ladies Land League, no doubt.

Mr. Justice O'BRIEN.—In the same way that Matthias Kerrigan did?—

Mr. *Adams*.—Yes.

Mr. *Teeling*.—The general body of suspects received it without any restriction.

Mr. *Murphy*.—I do not attach any undue weight to it, for I know your lordship will sweep away nothing connected with the charge of murder, which we are here investigating.

Mr. *Adams*.—The general body of suspects received money from the

Ladies' Land League, but the majority of them were charged only with political offences.

Mr. Justice O'BRIEN.—There are many explanations of it so far as to leading to a presumption against the accused.

Sergeant Matthew Ruddan, sworn, and examined by Mr MURPHY, Q.C.

You know this district very well?—Yes.

You know the house of the Kerrigans here?—Yes.

Do you know higher up in this district where the house of the person named Hyland is?—Yes.

And where Pat Macken lives?—Yes; he lives convenient.

Do you know where the house of a man named Michael Mannion is?—Yes.

Is that a little higher up here from Kerrigan's?—Yes; between Kerrigan's and Cornamona.

Because we have it that the Kynes live further up in this boreen here of Kerrigan's?—Yes.

Mr. *Teeling*.—We don't ask a question.

The *Solicitor-General*.—That is the case for the Crown, my lord.

The Court adjourned until half-past ten o'clock next morning.

THE DUBLIN DECEMBER COMMISSION.

19TH DECEMBER, 1882.

County of Galway.

THE LOUGH MASK MURDERS.

THE QUEEN *v.* MICHAEL FLYNN.

The Hon. Mr. Justice O'BRIEN took his seat on the Bench of the Court House, Green-street, at half-past ten o'clock, and resumed the trial of Michael Flynn, for the wilful murder of Joseph Huddy, at Cloghbrack, County of Galway, on the 3rd of January last.

The Hon. the *Solicitor-General* (A. M. Porter, Esq., Q.C., M.P.), *James Murphy*, Esq., Q.C., and *Peter O'Brien*, Esq., Q.C. (instructed by *George Bolton*, Esq., Crown Solicitor), attended to conduct the prosecution ; and

Charles H. Teeling, Esq., and *Richard Adams*, Esq. (instructed by *Patrick J. B. Daly*, Esq., of Ballinrobe), appeared for the accused.

The Jury having answered to their names—John Millar (Foreman), Charles King, Henry Smith, Robert Shaw, Robert White, Alfred G. Jones, George Booth, George J. Cockle, James Talbot Power, Richard Booth, John Hatchell, and Joseph R. O'Reilly,

Mr. *Adams* stated the case for the defence. He said—May it please your lordship and gentlemen of the jury, it now becomes my duty to open the case on behalf of the prisoner in the dock ; and, gentlemen of the jury, let me in the first place very briefly dispose of one matter which really does not in any way, I submit—and I am sure his lordship will tell you so when he comes to charge—in any substantial way touch the very serious charge of murder here—that is, the two or three documents found in his possession. These documents were merely used by the Crown for the purpose of showing that the prisoner at the bar was a person of influence and leading, of influential and leading station in his way of life amongst his people down in that part of the country ; and to that extent only—and that is a small extent, and scarcely touches the question of murder here—they bear any substantial reference. What do the documents consist of ? A card of membership of the Clonbur Branch of the Land League—it does not appear that he held any position except that of simple member, and this is his certificate :—“ This is to certify that Michael Flynn is a member of this association, and has paid the sum of one shilling admission fee. 15th-6-'80. M. Conway, President ; E. Jennings, hon. sec.” It shows that in June, 1880, long before the Land League Association had been in any way, so to speak, banned by the Government, either by proclamation or otherwise, he was an ordinary member of the Clonbur Land League ; and at that time, for we cannot close our eyes to the facts of contemporaneous history in our country, three fourths of the country were almost to a man members of the Land League—that was through three provinces out of the four, and the fact that a man was a member of the Land League in June, 1880, does not touch this case for good or for evil. As to the letter that was written, that is equally far from touching the case. It can be established by evidence that this man was from February, 1882, till the 22nd September, confined as a prisoner in Kilmainham jail. At that time it is notorious that the Ladies Land League, maintained all the suspects indifferently in prison, making them an allowance of £1 a week, justifying their action by the fact that there was no distinct charge against any of those persons and no opportunity of bringing any charge to trial, being detained avowedly on suspicion. The Ladies Land League allowed £1. The prisoner wrote from this prison of Kilmainham—because it is plain that the initials here must be the initials of the governor or official of some jail through whose hands the letter passed. It can be proved he wrote from Kilmainham a letter to the Ladies Land League asking for a small sum of money to send to his children, who were hungry and half naked at home. He received a reply in August, '82—when this work was being transferred to a committee of men, with Mr. Parnell as its head, which sat in the Mansion House—to the effect, “ We cannot entertain your application for money ; you must apply to the Mansion House, and we send you the address.”—and there was no mystery about it : “ Charles Stuart Parnell, the Mansion House, Dublin.”—evidently showing that Mr. Parnell was to be addressed in his private capacity, but as the president of

the committee, which we all know sat there, and which continues to have its head quarters, in some form or other, in the mansion house. These two letters, the one which we have—the other, of which evidence can be given, was simply a letter sent by the prisoner in Kilmainham jail for money to send home to his family, initialed by the governor—the letter in reply, initialed by the governor, both documents equally innocent—both harmless. The governor of Kilmainham jail would never have passed under his hands any documents unless they were free from the slightest taint and impropriety, and perfectly proper, innocent, and harmless. These documents, therefore, can be put completely out of the case, for this serious charge against the prisoner is not touched by the fact whether he was or was not two years and a half ago a member of the Clonbur branch of the Land League, or that being pressed he wrote for money for his children. He wrote also for a sixpenny dictionary, which was sent to him. There is no mystery about the dictionary—it was an ordinary and not costly work, it passed through the hands of the Kilmainham governor, and was given to him. I don't know whether the money was sent to his children or not, but that was the drift and meaning of the letter written by him—asking for money—referred by the body which was being wound up to a body which it named, and his little demand or request for this dictionary to enable him to spell properly whatever letters he was sending from the jail—it was purchased for a few pence and sent to him. These papers found on his person may be regarded as completely out of the case. They mean nothing. It was right, however, to have that brief explanation, for fear you might have an impression, however slight, that there was some mystery about the letters, that they might have come from some other place than Kilmainham, and the vague way in which it was sent meant something improper. Turning to the real facts to be proved here, the guilt of this man of murder, I need not say it has been laid down by the Crown lawyers, and will be laid down by his lordship, and can never be repeated too often, that each case at this Commission must stand on its own merits. You are not bound by former transactions to decide upon his guilt, but just as if you heard of this terrible business of the Huddys murder now for the first time, and just as if until you were sworn there you never heard one syllable on the subject. The Solicitor-General, in opening the case, in correcting a mistake that appeared in one of the papers, said it was the duty of counsel at the bar, never to pledge their own personal convictions upon any subject, that it was their duty simply to lay before the tribunal hearing the case, the facts, they were instructed to present, and not to pledge their own feelings or convictions, for so doing might give rise to great mischief and evil. But I must say that I cannot disguise from myself this, that on each succeeding trial the more these facts are probed, the more to my mind the impression of mystery and confusion is deepened by those facts. There is one consideration which arises in this case, which only occurred to me during the present hearing—I don't know whether it was pressed upon you before. It is this.—You have had before you that excellent map in which the district of Cloughbrack is depicted, and the track of the Huddys is marked out. It may be conceded by both the Crown and the prisoner, that that track is substantially an accurate one, for he is traced by the processes delivered and by the processes non-delivered, along a certain path up to a common point, and it is the common case that at the house of Matthias Kerrigan he was murdered—the Huddys were murdered. Now, the case presented by the Crown is this—old Matthias Kerrigan is presented as a perfectly innocent man, at whose door a terrible murder was committed. His wife and son are presented in a similar capacity—the wife is presented to you as an innocent on-looker, the little son, Martin, is presented to you as a perfectly innocent on-looker, and the son Matthias, as arriving when the deed was half done, when the old man was killed and the young boy was being killed—and he must have been full of dismay and horror on coming to such a scene as was enacted there. It appears to me one of the wonderful and inextricable mysteries in this case, that the assassin, supposing the Crown case to be true, should have chosen the spot where it is said they tracked the Huddys to, for carrying out this fell design; for if you look at this track, and if you recollect that the ground covered before that was considerable, about two miles I make it out—the map is on a scale of twelve inches to the mile, and the twistings will bring it up to close on two miles—from they left the Clonbur road they traversed a quarter of a mile without a house—to Mary Walsh (Comar's), by Cloughbrack Lower; they went down by the river where there is for a considerable space—close on half or three-quarters of a mile—no house; they served these processes at Pat Moran's, and struck across the turn leading down from Cornamona to Conroy's house, and from that point to Conroy's road there is no house again. It is said that they intended to serve the Kynes, and if they had been allowed past Kerrigan's, they would have passed through

a considerable district of country again without a house. If the case for the Crown is true, and a combination was formed between the prisoner at the bar and others to slay the Huddys, for the case for the Crown is only consistent with a plan or combination, with lying in wait for the victims, and readiness to do for them. It does appear to be one of the most wonderful things that the assassins should not have waylaid the Huddys along their path where there was no house ; and, therefore, where there would be no witness present at the deed save the men who would slay the Huddys. It is wonderful that they selected as the place for the commission of this foul deed, the house of Matthias Kerrigan, in the very heart of a populous hamlet—that the house of Matthias Kerrigan is selected by them for the foul deed, the very doorway almost of a man, an innocent man, and one no party to the crime ; and further that they selected that doorway, there being present the man himself, his wife, his little son, and another son coming up. It does appear to me to be a thing surrounded with the most astounding mystery that they selected that house where the witnesses who appeared here were all present at the time—for that is the case, that Matthias Kerrigan, his wife, and son, were at the door, and had a view of where the murder was committed, and of seeing the murderers, while the murderers must have seen them. They are innocent persons, if the murderers are the persons they say, but why they choose this place is another mystery which ought to make jurors pause indeed before the place implicit credence in the Kerrigans, and find this man guilty. You must remember our case. We have impeached in the broadest way Matthias Kerrigan as a participator in this murder, held for this murder a prisoner for nine months, and freeing himself by making this false charge against innocent men ; but we never pretend that this is a story concocted in all its details. And, if you are struck by the fact that all the Kerrigans tell substantially the same story, it is fair to remember that we only charge a single fact in that story as being untrue. We admit that the Huddys took the route it is said. We admit that they passed by these houses. We admit they served some of these processes, and we admit they were pistoled at the door of Matthias Kerrigan ; but we deny that it was done by the prisoner at the bar. He may tell the whole truth up to a single point, and it is the single point, when he comes to tell who fired the fatal shots, that we mean. If that is false, the whole case against the prisoner fails. The story of Matthias Kerrigan, that he saw the men coming along the boreen ; that he saw the dead bodies ; that he and his wife dried up their blood ; that his son took away one of the bodies on his back in a sack ; that the sack was taken out of his house. All these things are, perhaps, true ; all these things are thoroughly consistent with the guilt of Matthias Kerrigan himself. The great point upon which I challenge the truth of his statement is when he says, “ I had no hand or part in it ; I did not fire any of those shots ; I had not myself, or with others, anything to do with it that was unlawful or wrong ; the prisoner at the bar and others did it.” Because, gentlemen, that is the all-important fact. We do not say this whole story is a mere romance spun out of the brain of Matthias Kerrigan, but that it is a story founded on facts, but with Hamlet left out and with innocent men substituted for this Matthias Kerrigan, who either by himself or with others was guilty of this bloody deed. We are not bound to say how many assistants, how many subordinates he had. We are not bound to say who were standing on the street when the Hallorans looked over there and saw three or four men at his house. That is our case ; not being there we cannot give any explanation of the transaction ; but you cannot examine this case with care without coming to the conclusion that a vast amount of Kerrigan’s story is true, but consistent with his own guilt and the innocence of the prisoner. Now, another mystery about the case is this, that the Crown, which has prosecuted this case with such extraordinary fullness of detail, with such extraordinary energy and industry on the part of its subordinate agents in getting up the case, with that unspiringness of expense which is the necessary part of Crown action, having unlimited funds to draw upon—it is an extraordinary thing that no serious effort ever has been made to clear up the mystery of the carman. You must remember, that it is the case for the Crown, related by young Huddy, that his father and nephew left their house on a hired car, driven by a man whose name they gave, and coming from Clonbur. Now, if you again look at the map you will see just at the right hand edge, above the words “ To Clonbur,” the point at which the Huddys left the car, and took to the road. They proceeded down to Cloughbrack Lower, along the bank of the river, and went to Pat Moran’s, struck into this road from Cornamona to Clonbur, went up to Mary Conroy’s house at the village of America, and there they were again on the Clonbur-road, and in all human probability the car—because the old man of seventy was unlikely to walk an inch further than he could help—the car must have been there to meet them ; of that there is no evidence. I only ask you to draw that as a natural, reasonable, probable inference from the every day facts of life. They left the car here,

(pointed out on map), because they had to take to the country, but when they reached America they were again on the road, and surely nothing would have been more natural or reasonable than that the car should have driven on to take them up there. They proceeded along this road, and when they came to John Macken's house they a second time left the Clonbur road, and proceeded to Matthias Kerrigan's—is not, as Pat Morrin's is, or as Kyne's to which they were going is, a long distance off the public road. You will find it is something like 300 yards from the Clonbur road, on which, in all human probability, the car was. Now, a man on a car could see 300 yards if the ground was any way level, and he could hear 300 yards off if shots were fired, or there were screams and cries; and it is strange that except the vague statement that the carman is out of the country, we are told nothing more about him. The Crown is in a position, by means of ample remuneration to obtain witnesses, and it would have been a trifle in the expense of this case if this man had been brought over, I care not from where, to state what he knew of the occurrence. It is plain, it must be conceded, that this murder took place some 300 yards from the Clonbur road. It is consistent with the everyday habits of life that the carman was then in the neighbourhood of the road. He was the last man who saw the Huddys alive, he must have had some story to tell about how long he waited, where he waited, how he discovered the Huddys were not coming back, why he drove back and told the people they were not coming. Yet no effort is made to produce him to give evidence of his exact whereabouts; no effort is made to account for his absence, or to explain why they do not produce on the table a person who, in a trial for murder, is regarded as the most important person to give evidence upon it—the last man who saw the murdered man alive. The last man who saw the murdered man alive was undoubtedly the carman. All the reasonable probabilities point to his being in the very near neighbourhood of the murder at the time, and it is a great calamity that this man is not here to throw what light he could upon this great, and with each succeeding trial, this ever increasing mystery. The Crown case here rests entirely upon the evidence of the Kerrigans, with the exception of young Mannions, whose statement I will briefly dispose of. The Hallorans prove nothing, whatever they did prove is entirely in favour of the accused. Witnesses were called to prove the track of the Huddys that day. That is conceded, and therefore they are out of the case. The Hallorans are called, and what do they say. They are giving evidence entirely unimportant in this case, or if of any importance at all in favour of the prisoner. And you are not to consider the prisoner unfavourably affected by the demeanour of the Hallorans, whether they were simply stupid, or whether they were equivocating. At no time that can be discovered, did they say one word tending to incriminate the prisoner at the bar. They hear shots, they go and take a hurried look in the direction from which the shots came, and they see three or four men on Kerrigan's street, their backs were turned to the Hallorans, they did not recognize them, but this is certain, that they knew this man well, he was their near neighbour, they saw him as people in a hamlet of that kind do every day for many years. A man who knows another so intimately as a man knows his neighbour would recognize him even if his back were turned, by the smallest point of dress or attire; and this is certain they never swore, they never pretended, that they recognized or suspected Michael Flynn. They did not know one of the three or four men in Kerrigan's street when they looked after hearing the shots. Old Mannion proved nothing against the prisoner at the bar. Old Mannion does not mention his name. He does, no doubt, confirm the testimony of the Kerrigans in important particulars, but not as touching the prisoner at the bar; he does not mention his name. But you must receive the evidence of Mannion with tremendous caution, because it is perfectly plain, it does not require any great learning about the doctrine of accessories after the fact, for a man to know that if he is engaged in making away with the body of a murdered man, unless he proves some compulsion was applied to him, he will be guilty of a great crime and liable to great punishment. Every man in the community, no matter how humble, knows that if he, without compulsion, and voluntarily, of his own free will, aids murderers in making away with the body of the person they murdered it is a crime for which he is liable for punishment. Old Mannion did, undoubtedly, that day carry the body of young Huddy for some distance down towards the borders of the lake. Gentlemen, you are to say whether or not you accept with satisfaction the explanation he has given that Thomas Higgins [Tom] used threats towards him and violence, and that it was owing to those threats and that violence that he carried the body. You have heard his story; you will say whether it is a probable, a rational, or a true one. You heard the wonderful story that he told, that when he was hoisting the bag upon his back he saw the two feet of the corpse protruding from it, that he never made an exclamation of surprise, and that he never asked one of the persons accompanying that strange and ghastly funeral, whose was the corpse in the bag. It might have been

his own son. He knew nothing about the murder of the Huddys, and so destitute was he of the common feeling of natural curiosity that he did not even ask one of the couple of persons who, he says, were there, whose was the corpse in the bag. You are to say whether that is a likely story or not, and you are to say whether it is probable that the man who told that story is telling the truth, so that you are to give credence to it. But as against Michael Flynn, the prisoner, he gives no tittle of evidence, but he incriminated another party—anxious, as we say, when a panic came upon Cloughbrack—anxious to save himself from the terrible responsibility of carrying this body as a free man, as a volunteer, he did attempt to lay the blame on another person, as having compelled him to do so with threats and violence; but against the prisoner at the bar he never breathed one word or mentioned his name. Now young Mannion, no doubt, says he saw Flynn that morning on the breen. Young Mannion did not give that evidence until nine months after the crime was committed, and it may be that either young Mannion is mistaken in the day or in the hour, or that he is telling an untruth. It matters not which. If you come to any of these conclusions his evidence disappears out of the case. If he was mistaken in the hour nothing is more possible than that the man was in that neighbourhood early that morning, because Michael Flynn lives in Cloughbrack—his house is marked on the map, under B of the Cloughbrack. He left his house that morning at an early hour, and had to pass along that road, and he might have been somewhere on it when the boy saw him, and the boy's evidence is not conclusive as to the spot. He may have been near his own house that morning and saw the boy, and the boy, who doesn't give this evidence until his father was a fortnight in Galway jail, for he was plainly detained under the provisions of the Crimes Act—until the father was a fortnight in Galway Jail—the boy may have been anxious to give the evidence a twist which it of right and propriety did not possess, in order to save his father who was threatened with these serious and perilous consequences. Because, if you believe the boy was mistaken as to the hour, the place, or the day, or as to the remark Flynn made, "Go home out of that," which may have had a dozen innocent interpretations—it may have been that the boy was idling or was annoying Flynn—if you believe this you must put his evidence out of the case. Now, as I say, the real evidence in the case is the evidence of the Kerrigans, and that is proved by the fact that the Hailorans saw nothing, old Pat Mannion saw nothing, and you would not condemn a man on the testimony of that boy deposing to a fact that happened nine months before he mentioned it, where the exact time, and place, and the exact words, would all be essential to give to that little evidence the slightest importance; for if it was another day, or an earlier hour, or different words, or another place, the whole evidence would be valueless as far as this evidence is concerned. The Kerrigans, then, are the real witnesses against the prisoner at the bar; and the question is—and the great question—do you believe the Kerrigans? Now, gentlemen, I must, at the risk of wearying you by iteration, repeat again, first, that we do not pretend that the Kerrigans' story is a concocted romance. It is substantially true, we say, in every particular, save the particular as to who the real murderers were. It is true the Huddys came to the village, that they were killed at Kerrigan's door, that they were killed with revolver bullets; it is true they were serving processes, and true they had served some, and equally true that their bodies were taken down to Lough Mask. The only point we impugn in the story as a concoction is that other men did it, and as freeing Kerrigan himself. Matthias Kerrigan, of all the men in Cloughbrack, was the man who had the most reason to conceal the Huddys. The prisoner had with him no quarrel, no process was issued against him, and there is no tittle or warrant of evidence that he had reason to know that the Huddys were coming to Cloughbrack that day. Far different is the case of Matthias Kerrigan. Matthias Kerrigan was told by his wife that the agent, Mr. Bourke, told her that as she had not paid three and a half years rent or some portion of it a process would be issued. The Huddys were to serve it. She knew the sessions town of the district was Oughterard, and I ask you to believe with the knowledge that the country people had of these matters of late years, that she knew the 3rd of January was the last day to serve, and that there having been no service previous to it the Huddys would come into the village that day. They had with them—it is the common case—a process against Kerrigan. The original of that process is found upon the person of Hully; the copy can nowhere be found, and that is *prima facie* evidence of service. It may be sought to be argued away, but it is the strongest *prima facie* evidence that the copy had been served upon the person for whom it was intended, and to whom it was directed, and the process server had—in the ordinary and usual discharge of his duties acted as he was bound to do by law—the original upon his person. If the process was served upon Kerrigan you must believe that he committed upon that table gross deliberate perjury in the matter, going to the root of the case, for he most solemnly swore he was not served, and if the process was served

upon Kerrigan somewhere in the neighbourhood of his house, for he says he was not in the house, but in the barn, at the barn door, and that Kerrigan carried, as is the practice most unhappily growing up of late, one the most desperate that can be conceived, a weapon in his possession, that he had an altercation with Huddy and shot him down, is there anything in this case that makes such a supposition improbable; for if the man was despatched with a single shot, there was nothing to prevent Kerrigan or the accomplices acting with him—and remember it was admitted that there was some stranger unknown to the locality there that day advising the people to destroy their processes—if Kerrigan had shot down Huddy, would not the whole mystery be explained, and would not that be consistent with every tittle of evidence given by the Crown. I don't care who shot Huddy. My case is that my client was not there. I am only throwing out to you a theory which may or may not be true. It is impossible for me to resist the assertion that Kerrigan was in the murder, either as an accomplice or actual perpetrator. I ask you to consider that fully, and say is there anything in the evidence of the Crown inconsistent with the belief that Kerrigan there, standing in the neighbourhood of his own house, was served with a process, that he shot down the man who served him, that he afterwards killed the boy, that being an absolute necessity of the case, to prevent a deadly witness returning to the residence of the Huddys; and after this, if there was any life left in the old man, Kerrigan, or some one else, emptied a revolver into his head. And, gentlemen, supposing now that Kerrigan did commit the murder, or with others acting with him, or under his orders, did commit the murder, is there anything in their after-conduct inconsistent with that theory, or does not it rather tend to establish it in the clearest way. We have now every day—on every trial a new fact comes out. When these cases commenced—we cannot shut our eyes to what happened here—not a word was heard about the wife clearing up the blood—that slipped out. These things slip out. People who make confessions of that kind do not see their significance at the moment. They escape them—and we had yesterday the testimony that old Kerrigan assisted in wiping away the blood—

Mr. Justice O'BRIEN.—I think he stated that before.

Mr. *Adams*.—Did he?

Mr. *Murphy*.—He did, my lord.

Mr. Justice O'BRIEN.—He stated on the former trial that his father and mother assisted in it.

Mr. *Adams*.—At all events, gentlemen, this is certain—the fact has become known, that old Kerrigan and his wife were engaged in this work of wiping away the blood off the breen before their house. That is not the act of persons surprised in a great crime. It is not a precaution that would occur to anyone until later in the day; but the moment the bodies were removed, old Kerrigan and his wife began to remove the traces. The sack in which one of the bodies is consigned to Lough Mask comes from Kerrigan's house. One of the bodies is borne to the grave by young Kerrigan. In a word, all the acts of the family in concealing the traces of the crime, in carrying the body to Lough Mask, and the silence which they afterwards preserved towards all who questioned them, and the countless falsehoods they told, for the police questioned the people in the village over and over again—their anxiety to remove the traces of the crime, their participation in making away with its evidence, supplying the links used in making away with the bodies, their falsehoods and their silence after the crime—all these are notes which in any other case would be regarded as pointing with overwhelming evidence towards the conclusion of guilt on the part of those who perpetrated them, and which I say should have a similar weight in this case. Why then do they accense other persons? That is too plain. Kerrigan is imprisoned for nine months. His family were perhaps maintained for a time, as the families of all suspects were, out of the funds of the Ladies Land League; but notoriously those funds began to fail. Now, if for no other reason, he had a tremendous temptation to free himself from the prison, to change his role from that of a prisoner to that of a State witness; he had tremendous temptation when he alone was in prison, and the rest of Cloughbrack were out, to save his own neck by anticipating the tremendous peril that he knew awaited him, for the crime having been committed in the heart of that village it was impossible but that several persons knew about it—to anticipate the danger that Pat Higgins (Long) and others might denounce him, he denounces them. If you find yourself in that condition of mind that, confronted by the evidence of Patrick Higgins (Long), and by the affirmative evidence we will give on the other side, you cannot make up your mind, your duty is plain. You must consider that the prisoner had no motive to commit the crime, that Kerrigan had a great motive, that the place where the deed was done, the acts of the Kerrigan family, point with overwhelming evidence to a participation in the guilt of the Kerrigans, either by themselves or with others, we know not, but to a participation in this bloody deed. If you come to the con-

elusion that they have, in the slightest degree, participated in it, they are guilty of the grossest perjury, for they appear there as innocent persons, and their evidence should be swept out of the case. But you may say, how is it that the Kerrigans tell a story so like in all its details. Well, Kerrigan and his wife and family were at least a day together in Galway before the depositions were made. Kerrigan saw his wife in prison three or four days before he gave the evidence; he saw her, you will remember that, three or four days before he gave the information to the Crown; he saw his wife in prison and there is no evidence that any officer was present or that any precaution was taken to prevent these persons fully and freely communicating with each other, and so then there were abundant opportunities of concocting this story, a story the concoction of which was easy, for it was necessary only to introduce one detail into the story to make it complete. True in a dozen particulars, false in one, but that one important in shoving the guilt from the guilty shoulders of the perpetrators to the innocent shoulders of others. As to the Kerrigan family, once you believe old Kerrigan has told what is untrue, once you believe he was served with that process, once you believe that he by himself, or acting with his son and this strange man that was seen in the village of Cloughbrack, a man whose existence was only dragged out by the Crown at this stage of the proceedings, Once you believe old Kerrigan was guilty, the evidence of the family disappears, for they only confirm him. If his story is false, their story is false. They do not supply links he does not supply. They tell substantially the same story. If his story is false, their story is false also. He has a motive to save his property, and to save his neck. He has a motive, being the guilty man, to be first in the field with that story, to prevent others coming in and destroying him, and they have, of course, the most overwhelming of all motives, to save, in the first instance, and in the second instance, to back up and preserve the husband and the father. Now, gentlemen, there are certain facts about their story, in addition to those I have already indicated, requiring the closest consideration on your part. There is, as I have already said, the wonderful fact, if their story be true, that the murderers—if the Crown story be true, Huddy passed the house of Pat Higgins (Long)—he was one of the murderers acting with the murderers. Why was not his life taken there—if the Crown story is true. If his life was taken there, the Kerrigans all in their yard at the time, no human eye would have seen the shots fired, no human eye would have seen the murder committed. If the Kerrigans had afterwards rushed up on hearing the shots the murderers could have rushed into the house, and no evidence could ever have been given against them. And it is one of the greatest mysteries ever presented, that the owner of that house, if a murderer, and harbouring murderers either under his control or being under their control—there being, according to Kerrigan's story, three murderers, for they follow Huddy along the boroen, and Huddy having been at the house of one of the murderers, and having gone round here to serve another process—it appears to be one of the inextricable mysteries that cannot be got over in this case, how it came to pass that these people allowed the Huddys to pass, in order to secure that the man and woman and little child, innocent of the transaction, now participators in the plot, knowing nothing of the conspiracy—should all see the murder committed and be ready to give evidence that is given here against them. And is it not a mysterious thing that all these people should be in such a good position to see Huddy coming along. It may be a coincidence, but just at breakfast time they bring themselves into the street, and there they see the Huddys coming along, although according to the configuration of the road they cannot see any further than that (the bend of the road near Kerrigan's house). You have then, gentlemen, to consider the fact which is used so much against the witnesses for the prisoner in a case tried here or elsewhere, if they have told a different story at different times. And it is as certain as anything can be, that the Kerrigan family, burthened as they were with this great secret, told the police only after nine months. That little boy, Martin Kerrigan, was examined, and he said that the police were coming and going, and you are to say whether the story he told afterwards was a true one. Now, gentlemen, you have also, of course, the very remarkable fact about the depositions of the boy, Martin. I cannot imagine by what verbal criticism these facts can be got rid of. It is an all-important thing, if the person making one statement to the police makes another statement here; it is important if one statement is made to them, and another is made here, and I say you cannot read the testimony of Martin Kerrigan to the police, and his story here, without coming to the conclusion, that when he was telling the story at Galway jail, it appeared to him that he was not telling his story with sufficient accuracy, and that he has changed it since then. The story he told here is as different as night is to day from the one which he told previously. The story he told in Galway jail was that he was in his father's house, and heard shots. You see that the whole fabricated story is that which represented him in the

house at the time the murder was committed, coming out and finding all over. He said "I heard shots, I was then in the house, and I went out to the door;" and he says "I saw two dead bodies lying on the breen." Now, gentlemen, you are to say is that the same story or has it the slightest similarity to the story told upon the table here? The story told there, is that the boy was in his father's house, heard shots, and ran out, seeing none of the bloody business. He does not see anything but the corpses lying on the road. The story is now that he was coming to his father's on the breen, that he saw the whole transaction from the firing of the stone to the delivery of the last shot, that he was an eye-witness of the whole thing. I cannot understand by what logic you can get rid of that tremendous fact, that Martin Kerrigan examined in Galway, deposes in Galway, that he was in the house when the shots were fired, says not one word of seeing this transaction, and he leads the magistrate to believe that he was going out and saw the two bodies on the road, and this witness turns round now and says, that he was out in the open air, and saw the whole transaction from beginning to end. That is a tremendous contradiction, It would be impossible to imagine two stories more different than the story told in Galway and that told here, and I ask you to give that contradiction great weight before you place implicit reliance on the story of the Kerrigans. Now, gentlemen, we are not however in this case left to depend upon the inconsistencies, the contradiction, and the deep suspicion that attach to the story of the Crown. We are in a position to prove that this man at the time the murder was committed was many miles away, engaged in a transaction of a public character, attending a funeral. You have already, gentlemen, heard from the Crown of the fact that a man named Joe Joyce was lying dead the morning of that murder at a place called Crumlin, and was buried on the day of the murder. That is admitted by the Crown. Now, the first point bearing upon our affirmative case that you have to consider, is the time that this murder was committed. That time was left of necessity in some obscurity, because you will remember that all these people are illiterate people, have neither clocks nor watches, and time by them is fixed in a vague kind of way, as being about breakfast time, and so on. Now, most specific evidence of the time is afforded by the testimony of young Huddy, a person in a comparatively superior class, of life, and having, I suppose, the ordinary means of discovering what the hour was—I mean young Huddy, the son of the murdered man. He tells you that his father and his nephew left their place at seven o'clock. It was eight Irish miles from the Huddys' residence to Cloughbrack, or to this point rather, I should say, on the Clonbur road, upon which, according to the case of both parties, the Huddys left their car. It would take, young Huddy swears, about two hours driving from his house to this point where his father and nephew left the car. It would take two hours if you drove easy, and one hour and a half if you drove fast, by which he means that if you had any special occasion for great haste you could go in an hour and a half, and that if you took the ordinary course, and treated your horse fairly, you could go there in two hours. Now upon this occasion there was no necessity for haste. The party started early in the morning, they had a long day before them for their work, and therefore we may take it as a reasonable deduction from the evidence, and from ordinary experience of life, that they drove quietly over to this point on the Clonbur road. If they did they reached this point on the road about nine o'clock; and having reached this point upon the Clonbur road, they then left the car, and they traversed that path from this point on the Clonbur road down to Cloughbrack lower, by the river banks, by Pat Moran's to John Macken's, and then down to the house of Matthias Kerrigan, where, according to the case for both parties, these men were killed. Now, that is a considerable distance. You will be able to estimate it, because the map is on a scale of twelve inches to the mile. Determine it roughly, and you will find it to be about two miles. So, gentlemen, you have them reaching that point of the road at nine o'clock, and they would then have to walk two miles, apparently over a broken, difficult country, for there is no sign of a breen or path through a great deal of it, before they reached Kerrigan's. You have also the fact that they served processes on the way, and if you consider an old man over seventy walking through a difficult country and serving processes on the way, it is not an unnatural conclusion to say that he must have been an hour engaged in that way. I suppose three and a half miles an hour will be considered fair enough for a man when there is no hurry and when the road is good, and to walk two miles of country, crossing a river and serving processes on the way, would be enough in that time. You then have the murder fixed at ten o'clock. It is also in the case of both parties admitted that the bodies were taken to the margin of Lough Mask. It is alleged by the Crown that the prisoner at the bar was with them—and if that part of the case is not true the whole of it must be false because it is a most important part of it—and was engaged in the removal of the bodies. They were taken to the shore of Lough

Mask, and when so taken down they were rowed a considerable distance—you can also measure that if you like—out to Islandmore, and some distance from the island they were deposited in the lake. Now, it is plain that that transaction, the murder, the disposal of the bodies, the carrying of them down to the lake, the rowing over the lake with the bodies—all this occupied time to do on Tuesday, the 3rd of January. Now, gentlemen, there is a place nearly south of Cloughbrack called Crumlin; that place, I am instructed—it is not marked upon this map for it is far outside its limits—is something like five Irish miles south of Cloughbrack, and it must be not far from five Irish miles south from the place where the murder took place. Joe Joyce was dead at Crumlin upon Monday night, and he was buried on Tuesday, the day of the murder. The funeral started at about half-past ten o'clock, and it started from the place called indifferently by the witnesses Clonbur or Fairhill, some twelve or thirteen miles away. The body was borne upon the shoulders of men, or at least was borne by men for a long distance on the road. There was no car to place it upon. They had to cross rivers, to traverse a very difficult country, and, accordingly, nearly the whole day was occupied before they had traversed the whole distance between Cloughbrack and Clonbur. Gentlemen, it can be shown to you by evidence of the most conclusive kind that at ten or half-past ten o'clock, when this funeral was starting from Crumlin for Clonbur, and when this bloody deed at Cloughbrack had scarcely been perpetrated, and when certainly the work of disposing of the bodies had not been completed, Michael Flynn, alleged by the Crown to have been at Cloughbrack just at this time, was at the funeral at Crumlin, eight miles away, that he was seen in the dead man's house, the house which in the vernacular of the country is called the corpse house, that he walked with the funeral, that he assisted in taking the coffin across the stream, and that he was there with that funeral cortege until it reached Clonbur after its march across the country. If, gentlemen, you come to the conclusion that that evidence is true there is an end to the case for the Crown, because if this man was two hours' walk away about the time that the murder was committed, and before the bodies could be disposed of, it is plain that he was not at the scene of the murder, and that for some reason or other, I care not what reason, the Crown witnesses were false, and he is an innocent man. That case will be established for you by the testimony of many persons who were present at that funeral, and if, as I say, that case is so established, I'll ask you, with all confidence, to deliver a verdict which I am confident you will deliver with great and sincere pleasure, a verdict of not guilty, remembering always that I ask you, if you are convinced of our case, to find a verdict of not guilty, and also that if the evidence leaves you in any doubt or suspicion, if you have any reasonable doubt of the guilt of the prisoner—that then you are to give him here what he is entitled to, the benefit of the doubt, and bring in a verdict of not guilty.

Mary Nally sworn, and examined by Mr. TEELING.

Miss Nally, I believe you were the prison secretary of the Ladies Land League?—Yes.

In the month of August, 1882?—Yes.

Will you kindly look at that letter?—Yes.

That is your signature, I presume, attached to it?—Yes.

Now, may I just ask you, Miss Nally—before I ask you anything about this letter—was the Ladies Association of the Land League for the purpose of supporting the suspects in jail?—Yes.

While they were confined there?—Yes.

Now, at the time that you wrote this letter, on the 22nd August, 1882, were you aware of what the particular charge was, that was against the prisoner at the bar, Michael Flynn?—I was not.

Then I take it all the information you had upon the subject was simply that he was a suspect in Galway or Kilmainham jail, whichever he was in?—Yes, that was all.

Now, I see, Miss Nally, that your letter was produced as the reply to a letter received by you from him—or by the Ladies Land League—this letter of the 22nd August?—Yes, I got a letter from Michael Flynn.

You got a letter from Michael Flynn to which this is a reply?—Yes.

Now, have you searched amongst the records of your association for that original letter?—I have.

And have you been able to find it?—No, I could not find it.

Now, where did that letter come from, that original letter?—From Kilmainham prison.

I believe I am correct in saying that the Ladies Association of the Land League is now dissolved?—Yes.

Now, have you made a search for that letter amongst such of the records of the association as remain?—Yes, I have.

Have you been able to find it?—No.

Will you kindly tell his lordship and the jury, what was in that letter which you so received from the prisoner?—I went to visit Michael Flynn in Kilmainham prison, and he asked me to send him a dictionary, and also if I could send him a grant.

You had a conversation with him in Kilmainham?—Yes.

And I presume in that conversation he asked you for a grant from your association?—Yes.

Did he indicate what that grant was to be for?—Yes; he said that he could not send his children to school for they were almost naked.

And he was anxious to get a grant for the purpose of enabling them to support themselves?—Yes.

And then I presume he subsequently wrote to you formally making application for that purpose?—Yes.

And was that letter so received by you, and so making that application, the letter to which your letter of the 22nd August is a reply?—Yes.

And was there anything else, Miss Nally, in that letter except this request for the dictionary and this request for sustenance for his little family that you are aware of?—Nothing else that I remember.

If there was anything else in it you would remember it?—I would.

And was this dictionary sent to him?—Yes.

And that was a dictionary of words?—Yes, it was a book.

It was a sixpenny dictionary?—Yes.

And it was sent to Kilmainham?—Yes.

And passed through the hands of the governor?—Every thing passed through the hands of the governor.

And did this letter pass through the hands of the governor?

Solicitor-General.—Of course she cannot tell that; but of course she did.

The Witness.—The governor's mark is upon it.

Mr. Teeling.—Of course it was through the hands of the governor you sent it. Do you see that pencil mark upon it?

Mr. Murphy.—Surely this is admitted.

Mr. Teeling.—It is well to have it. Do you know these initials on the letter?—I think they are Mr. Gildea's.

Is he the governor of the jail or one of the officials?—He is the governor of Kilmainham.

That is all I have to trouble you with?

The witness was not cross-examined.

Thomas Flynn, sworn, and examined, through the Interpreter, by
MR. ADAMS.

Ask him is he the son of the prisoner at the bar?—He is.

Does he live or did he live with his father and mother, at Cloughback, in January last?—He says he was.

Does he remember the morning that Joe Joyee was buried, ask him?—He does remember it—the second day of the new year.

Does he remember the morning that he heard that the Huddys were murdered?—He remembers the day that the father went to the funeral, when he saw the police coming up, and that is all he knows about it.

When did his father get up that morning?—It was only just as it began to come daylight, and he heard him tell his mother the night previous to have his shirt ready for him.

Who got the breakfast ready?—He replies himself—his mother.

When did his father leave the house?—He says he does not know for certain what time, but it was early. The day was short, and he would have to be at the funeral.

Ask him did he put on this clean shirt?—He did.

And did he put on any good clothes that he had—any Sunday clothes?—He put on the clothes that he used to wear when he was going to Mass.

Cross-examined by the SOLICITOR-GENERAL.

Can your father speak English?—He has.

Do you go to school?—He replies himself that he does not.

Did you ever go to school?—He says he cannot understand you in English.

Well, ask him in Irish did he ever go to school?—Not a day.

Your father got up just as it was daylight?—He did.

Very well; your mother got the breakfast ready?—He got up as it was rising day.

And then his mother got the breakfast ready?—The mother had the breakfast cooked, prepared when the father got up.

And then he went out?—He did.

What time was he back that night?—In the evening; he was just at home as it was daylight.

Patrick Duffy sworn, and examined, through the Interpreter, by
Mr. TEELING.

Will you ask him, please, where does he live?—At Cloughbrack.

How far does he live from the prisoner's house?—They live at two extremes of the village.

Ask him does he remember the day of Joe Joyce's funeral?—

Ask him at what hour of the day he got up that morning?—He has no knowledge of it, but it was day.

Ask him about how long after daylight it was that he got up?—He could not tell what time of the day, for the day was short.

Now, after he got up, where did he go to?—He went no where until he put down the fire in the morning.

But after he had put down the fire where did he go to?—He went then until he harnessed the ass, and he went a mile for a load of turf.

Now, ask him, did he see the prisoner at the bar that morning?—He saw him passing him by on the road when the witness was filling a load of turf.

How long was it after he had gone out himself that he met the prisoner?—He replies that I know myself what time he would take to walk a mile, and he had one basket filled when he met him.

So that it was after he had walked a mile that he met him?—So, he says.

Will you ask him if he had any conversation with the prisoner that morning.

The *Solicitor-General*.—He is not to tell any conversation he had with him.

Mr. *Teeling*.—Had he any conversation with him?—He says not.

Well that is all I have to ask him,

Cross-examined by Mr. MURPHY, Q.C.

Will you just ask him—we only want to know the position of his house exactly—is it at Middle Cloughbrack that he lives?—In Middle Cloughbrack—he replies himself.

Is it tolerably near the house of the prisoner?—There are about ten houses in the village, and the witness is at the other end.

Mr. Justice O'BRIEN.—How many perches is he from him?—He could not tell how many perches.

Mr. *Murphy*.—Does he live near Pat Conroy's house also—is that near him?—He says there are two houses between them I think, sir. The witness's house is the next house to the river when you pass the barrack.

And now ask him does he not live close to the prisoner's house?—

Mr. Justice O'BRIEN.—Let him look across the courthouse and say is it that far?—Yes, and thirty times the distance, my lord.

Mr. *Murphy*.—Now tell me where is the bog that he was on?—At the barrack of Loughberg.

Is the bog between the Clonbur road and the lake?—No, he says.

Well, where is it, then? Is it on the other side?—The road that goes by Cornamona to Doorty.

Ask him is the bog near Luke or Pat Kyne's house. Ask him where he lives, first. Does he live at Middle Cloughbrack?—He does.

Does he live between Clonbur and the lake? Get that from him?—Yes, he says.

Between the Clonbur road and the lake?—Yes.

How did he go from his own house to the bog that morning. Did he go by the Cornamona road, ask him?—It was, and the basket on his back.

And after he had some of the turf filled, did he say he was met by the prisoner?—He was filling up the basket, and one basket was filled—he was filling up the second basket; that is what he says now, my lord.

Thomas Walsh sworn, and examined by Mr. ADAMS.

Does this man speak English?—Witness—Very bad, sir.

I believe you are a blacksmith?—Yes, sir.

And you live at Doughty's Well?—Yes, sir.

You are a relation or connexion of the late Joe Joyce?—No, sir; but his wife's.

Where did he live?—In Crumlin.

Do you know how far his house is from Cloughbrack?—I never heard it measured; but it is about three or four miles.

Irish miles, of course?—Yes.

Did you walk from Crumlin to Clonbur?—I did, sir.

How long would it take?—That I cannot tell you, sir, properly.

Would it take a couple of hours?

Mr. Justice O'BRIEN.—That depends entirely on the way he was going.

Witness.—I think very near.

Mr. *Adams*.—Three or four Irish miles are equal to about seven English.

Mr. Justice O'BRIEN.—Four and a half or five.

Mr. *Murphy*.—Five and a half Irish to seven English is the exact proportion.

Mr. *Adams* (to witness).—Were you at Joe Joyce's funeral?—I was, sir.

Were you at the corpse house?—Yes, I was.

Where the body lay?—Yes, sir.

Were you engaged about coffining this man, and ordering the funeral?—I was.

Did you see the prisoner at the corpse house that morning?—I did.

Where did you see him at?—At the gable at the corpse house, going into the house.

What time was that?—I cannot tell you. I cannot certify the time. I had a clock, but in a week or a fortnight after a policeman gave the time, and he said it was an hour forward. I cannot certify the time.

What time do you think it was?

Mr. Justice O'BRIEN.—Does he know?

Mr. *Murphy*.—He says he does not.

Witness.—I do not know.

Mr. *Adams*.—Do you know how long after the sun rose was it?—As soon as I felt the morning, I ordered my wife up to get my breakfast ready, and as soon as my breakfast was ready, very early, I went to the corpse house.

How far do you live from the corpse house?—About a mile.

Did you go immediately, after the early breakfast, to the corpse-house?—I did.

Did you see Michael Flynn, the prisoner, there?—Surely, I did.

Where was he standing?—At the gable end of the corpse-house.

Did the funeral start afterwards?—Well, indeed, it did. It did not make much delay at all, for the day was very heavy, and the road rugged, and we had to get past a river before the flood would rise.

Did you see Michael Flynn after you saw him at the corpse-house, after the funeral started?—I was the fourth man that walked under the body, and I saw him in front before me.

Did you see him after the funeral started?—I did not see him until we went to Cornamona.

Did you see him walk before you?—I did. I was carrying the corpse with others out in the street.

How far is it from Crumlin to Clonbur—to the grave-yard?—I never saw the way measured, but it is about seven or eight Irish miles.

How far is Cornamona on the road?—From Clonbur, about two miles.

You say you saw Michael Flynn again at Cornamona?—I did, sir.

Did you see him afterwards on the road at any place?—No, sir. I did not see him until I went to Clonbur.

Did you see him at the grave-yard, at Clonbur?—No, sir.

Did you see him at the town?—Yes.

When did you see him?—Before I went to the grave-yard, and after I went to the grave-yard.

You told me you carried the corpse across the river?—Yes.

Was there any bridge over the river?—No, not nearer than Cornamona.

So you had to ford—you carried it across?—Yes.

Was there any trouble about getting it across?—No. The men carried it across on a bier on their shoulders.

Did all the people go the same way, or scatter?—They scattered; some of them went down to a place where they would get easily across, and most of the funeral stopped where the corpse went across, and parted, but, however, some of them crossed.

Did they cross the river at various points?—They did, sir.

I suppose those carrying the corpse crossed by the shortest way they could?—Yes, sir.

Were you carrying it on your shoulders?—Yes, sir, until they walked about a mile from the "corpse-house," and there was a cart there before them.

Cross-examined by the SOLICITOR-GENERAL.

If you were walking on foot from Clonbur to Joe Joyce's house, would you pass through Cornamona if you were to go by the straight way?—I go along from Clonbur to Crumlin without going to Cornamona.

There are two roads?—Yes. There is a road along by the north side, and another by the west side.

To go there you would not go by Cornamona bridge, the short way?—Yes.

Are you quite sure you saw Michael Flynn that morning?—I am.

At the "corpse-house"?—I am.

When you were carrying the corpse yourself, did you see him?—I

did not. I saw him before I was carrying the corpse. I saw him when I was going, and he was standing at the gable, and after they took the corpse out into street. I saw him in front before me in the street.

There was no great delay, you say?—There was not much time.

What time of day would you say the funeral started?—That is a thing I cannot tell. I have no watch. I am not able to certify as to the time.

I merely just want to know your opinion about it. You would know when the sun would be highest?—I would.

Was the sun near the highest?—Well, it was high enough. It was a short day, at the same time.

Was the sun at the highest when you started?—Well, I don't know. I never measured it.

Mr. Justice O'BRIEN.—Does he know when it was at the highest?

The *Solicitor-General*.—When you wish to know what time of day it is don't you look at the sun. When the clock is an hour wrong in the house, and you are out in the fields, don't you look up at the sun to know the time?—Yes, sir.

When the sun is at the highest what time of the day is it in that part of the country?—Twelve o'clock.

Do you think that the sun was about the highest when the funeral started?—I don't know; I can't say. It was a showery day.

Mr. Justice O'BRIEN.—He did not take an observation that day.

The *Solicitor-General*.—Was the woman, Joyce's widow, complaining about the delay in getting started that morning?—I did not hear her.

Did you not hear them saying they would not get to Clonbur before dark?—Faith, I did not.

Was there any delay about starting?—Faith, I did not see.

Who was the woman who was to have washed the corpse?—I don't know, sir.

Were they waiting two hours for the woman who was to wash the corpse before starting?—I do not know.

Who was it washed the corpse?—I don't know.

Were you inside the house?—I was, and outside too.

Did you see any woman wash the corpse?—No, I did not.

Was it washed before you went there?—I came out of the house and went into another house before they were going to wash him.

Then you say that before the corpse was washed you went out to another house and then came back?—On the day he was buried, he was not washed at all, but on the day before. I was for the making of a coffin at the relieving officer's the day before.

Were they waiting for the woman to lay him out?—I don't know; I cannot swear to it.

Did the wife lay him out herself?—I don't know.

And put him in the coffin?—I don't know.

Was he in the coffin when you were there?—Yes, he was.

Before you went?—He was.

And the sun was about the highest?—Well, then, I am not sure.

Michael Joyce sworn, and examined by Mr. TEELING.

Do you speak English?—Very bad, sir.

Where do you live?—At Doughty Well.

Now, you remember the day of this funeral?—Yes, sir.

Now, how far do you live from the corpse-house?—About a mile, as far as I can say.

Did you go to the corpse-house on the day of the funeral?—I did, sir.

Were you there when the funeral started?—Yes, sir.

About what hour of the day was it when the funeral started from the house?—It is a hard thing to me to say. I had no time of watch or clock.

To the best of your opinion, what time of the day did you go there in the morning?—It was close on ten o'clock.

When you went there?—As far as I can say.

And you had only one mile to go?—That is all.

How soon after you reached there did it start?—Something about a quarter of an hour, as far as I can say.

When the funeral was starting, did you see Michael Flynn there?—Yes, and before the funeral started at all.

Did you carry the coffin yourself for any portion of the way?—I carried it for a while.

Had the corpse to pass a river?—Yes, sir.

And is the road from the corpse-house down to Cornamona a difficult road to pass?—Yes; a while bit coming down until the main road.

And did some of the people attending the funeral scatter?

Mr. Justice O'BRIEN.—Ask him what became of the people, and where they went?

Mr. Teeling.—Very well. Did all the people who attended the funeral remain with the coffin or move about to other places?—No, sir;

some of them went down the river, where there was some steps across the river.

I suppose the people were separated and scattered?—Yes, some of them was.

Very well; did you see Flynn after the funeral during the day?—I don't remember that I saw him again, until Cornamona, between the two miles.

I believe there was a cart waiting for the bag at that place?—About a mile from the corpse-house.

Did you see him during the day?—Yes; I saw him again at Clonbur.

At the graveyard?—Not at the graveyard.

In the town?—Yes.

And had you to pass down the town to get to the graveyard?—I did not pass through the town. The graveyard is nearly a mile from Clonbur.

And I suppose some persons stopped at Clonbur, and did not go on?—Some of them did.

Cross-examined by Mr. MURPHY, Q.C.

Did you go tolerably smart to Cornamona from the corpse-house?—They did not, sir.

Did you go smart any time?—They had too short time to delay there.

Do you know the difference between going smart and going slow?—Yes, sir.

Did you go smart after you left the corpse-house?—No, sir.

Did you go smart when coming to Cornamona?—No, but we walked hard after leaving Cornamona.

Were you yourself saying that you would go hard to catch daylight in Clonbur?—I was a good distance back again by daylight.

When you were going out of the place, were you talking about it being hard to catch daylight in Clonbur?—I was not.

Before you left at all were you saying it was late when starting?—No, sir.

Did you say at any time you could not tell whether it was about twelve o'clock when starting?—No, sir.

At what hour?—As far as I can say, something between a quarter-past ten o'clock and half-past ten o'clock.

How do you come to that conclusion. Had you seen a clock at all that morning?—No, sir.

Did you see a clock at Cornamona?—No, sir.

Did you see a clock at the corpse-house?—No, sir.

Did you see a clock at Clonbur?—No.

And how do you come at the time—quarter-past or half-past ten o'clock?—By guess, as far as I can say.

Was the sun tolerably high?—Not very high.

It was not high at all that day, I suppose—but where was the funeral at twelve o'clock that day, when the sun was at its highest?

Mr. Justice O'BRIEN.—Yes, where was the funeral about twelve o'clock that day?—I guess it was near Cornamona, somewhere near some side of it.

Whether at the corpse-house side or the other you don't know?—As far as I can say.

Cornamona is about two miles from the corpse-house?—Better than two miles.

How far from the corpse-house did the cart meet you?

Mr. Justice O'BRIEN.—He said about a mile from the house.

Mr. Murphy.—Yes. Were you talking to Mrs. Joyce, widow of the dead man, that day?—I was not.

Were you in the house before the corpse was put into the coffin?—No, sir.

Were they about starting when you came?—They were not.

How long before you left did you go in?—I did not go in at all.

Were you long waiting outside before they left?—Not very long.

Do you know the prisoner well?—I do, sir.

Did you see any other Cloughbrack people there at all?—I saw another man from the same place—John Burke, and another man name John Flynn.

Where does John Flynn live?—He lives in Cloughbrack.

Is it Middle or Lower?—I suppose it is Middle.

Do you suppose where he lives?—I think it is Middle.

Does he live near the prisoner's house?—Not far from it.

What other man from Cloughbrack did you see there?—John Burke.

Where does Burke live?—I think he lives in Lower Cloughbrack.

Are these the only two Cloughbrack men you saw there?—That is all I know.

Where did you see John Flynn—was it at Cornamona you saw him first?—No.

Where did you see him first?—I saw him going down from the corpse-house—between the corpse-house and the river. That is the first time I saw him.

And where did you see Burke first?—At the corpse-house.

Outside there you saw him?—Yes.

And these are the only two Cloughbrack men you saw there except the prisoner?—Yes.

Mr. *Teeling*.—If your lordship pleases we close now.

The *Solicitor-General*.—We have some witnesses to examine, my lord.

Mr. *Teeling*.—Mr. Daly informs me that there are one or two other witnesses. He was not in court when I announced that we closed. I desire to call them.

Mr. Justice O'BRIEN.—Very well.

David Lowry sworn, and examined by Mr. TEELING [interpreted].

Just ask him where he lives, please?—At Tierney.

Ask him how far is that from the corpse-house?—It is nearly two miles down the road.

Mr. Justice O'BRIEN.—Is it round or down the road?—Round the road: he did not go by road.

Mr. *Teeling*.—Suppose he went across the way that is there, how far would it be to the corpse-house?

Mr. Justice O'BRIEN.—Ask him the way he went?—He says about two miles.

Ask him how did he go to the corpse-house?—He says he went by the mountain, and it was about a mile and a half by that way.

Mr. *Teeling*.—I was going to ask him that—where did he join the funeral that day?—He went to the corpse-house before it was taken out.

Did he see the prisoner at the funeral that day?—His reply is, that he did not see him at the corpse-house.

Did he see him at any other part of the funeral that day?—There is a river runs between the corpse-house and the road, and he saw him drawing towards the river going across it.

And did the prisoner then join the persons there?—He could not say whether he joined them or not, but it was then that he saw him.

Ask him how far that point where he saw the prisoner on the river is from the corpse-house?—It is not a quarter of a mile.

Now, was the prisoner coming from the corpse-house at that time?—It was from the corpse-house every one was coming at the time.

Ask him did he see the prisoner afterwards at Clonbur?—He did, and at Cornamona.

Ask him did he go to the graveyard himself?—Yes, he did; because he was a relative of the deceased.

Ask him about what time it was that he went to the corpse-house himself that morning?—He could not tell; he has no knowledge of watches or clocks. He is on his oath, and he could not give any certain time.

Ask him how soon after he got up that morning did he go to the corpse-house?—Not much, but to dress himself and eat a bit, and regulate himself, and go off.

Could he say about what time he got up that morning?—The day was a little while spent before he got up, but he could not tell what time he got up.

Could he say about what time the funeral started from the corpse-house?—He could not say—he had no knowledge of such things.

When he came back from the funeral after, and got back to Clonbur, was there daylight?—I believe he said he went to the graveyard himself. Ask him was there daylight when they reached the graveyard?—It was; and there was not a spade left on the grave until they arrived.

And there was daylight?—Yes; and there was no spade put to open the grave until they went there.

Did you go back to Clonbur?—No, he did not come back to Clonbur, because there was another road going home. It was equal distance as the Fair Hill road or the Clonbur road.

When he was going home was there daylight for any portion of the way?—After leaving the graveyard, by walking fast, he could walk for a mile with daylight.

That was after closing the grave, was it?—Yes, and the stones put over it.

Cross examined by the SOLICITOR-GENERAL.

The day was somewhat spent before he got up?—He said so, sir.

Let us understand that—he had to get his breakfast after that?—That was some bread baked the night before, and he got some tea cooked after he got up.

He made himself neat to go to the funeral?—He put on clothes to go to the funeral.

And then walked a mile and a half over to the house?—He did.
Over the mountain?—He did, over the mountain.

Ask him was there any delay at the corpse-house before starting with the funeral?—There was.

Was he there at that delay?—He was one of the first there.

Ask him, on his oath, was he two hours at the house before starting?—He has no knowledge of the time, but to the best of his knowledge and belief was two hours.

Were they waiting for the woman to come and coffin the corpse?—He was not in the coffin when he went there.

After the funeral started it went across the river?—It did.

And it was at the river he saw Flynn?—Drawing to, towards the river.

James Sullivan sworn, and examined by Mr. ADAMS (interpreted).

Where do you live?—At Doughty's Well.

Ask him was he at Joe Joyce's funeral?—He was.

How far is Doughty's Well from the corpse-house?—To the best of his judgment it is about a mile.

When did he eat his breakfast that morning—late or early?—He got up earlier than any other day, and he got his breakfast cooked as he was to go to the funeral.

Did he go then straight to the corpse-house?—He did.

Did he see the funeral start?—He did.

Did he see the prisoner at the corpse-house?—He did not.

Did he see him at the corpse-house that day?—He did.

Where?—A little distance from the corpse-house, and when they had crossed the river.

Ask him was Flynn going from the corpse-house or going towards where he saw him?—Coming from it.

With the others coming?—He was.

Ask him could he say what time it was when he saw Flynn?—He could not, but to the best of his judgment it was early enough.

Cross-examined by Mr. MURPHY, Q.C.

Did he see David Lowry there?—He saw him at the funeral.

Where did he see him that day?—He saw him at the funeral.

What part was it—did he see him at the corpse-house or at Cornamona or where did he see him?—Between Cornamona and the corpse-house.

Was he waiting long at the corpse-house before he left?—Yes, while he was smoking his pipe, and he got a pipe of tobacco, and there was little or no one there at the time.

Was that outside the place—walking about smoking his pipe?—Inside.

Was there any delay at all—were they talking about delay?—They were speaking, they ought to have taken him out early, as the road was long.

Does he know what time it was when they got to Cornamona?—He could not tell.

Nor what time they left the corpse-house?—He could not tell; he has no knowledge of it, but it was early.

John Hopkins, in Irish-speaking witness, sworn, and examined, through the Interpreter, by Mr. TEELING.

Ask him where he lives?—He lives in Doughty.

About how far from the corpse-house?—About a mile—he is not certain whether more or less.

Very well. Now, then, does he remember the morning of Joyce's funeral?—He does.

Did he see Michael Flynn, the prisoner, at the funeral on that day?—He did.

How far from the corpse-house did he see him?—About a quarter of a mile—he is not sure whether more or less.

I see—from the corpse-house?—Yes, from the corpse-house.

Was the prisoner coming from the corpse-house at the time he saw him?—Coming with the corpse from the corpse-house, and the witness was before him on the road.

Now, can he tell us how soon after he got up that morning he went himself towards the corpse-house?—He could not say. He has no knowledge of clocks or watches, but he ate his breakfast that morning earlier than usual.

And was it immediately after eating his breakfast that he went to the corpse-house?—Yes.

And the funeral was at that time, as I understand, on the road?—He met the funeral, he says.

Now, did he see the prisoner again at any part of the funeral during the day?—He saw him at Michael Coyne's house in Cornamona.

Did he see him also at Clonbur, or near Clonbur?—He saw him within half a mile of Clonbur again.

Cross-examined by the SOLICITOR-GENERAL.

Was the witness in Coyne's house in Cornamona that day?—He was in Michael Coyne's at Cornamona that day.

Mr. Justice O'BRIEN.—He was in Coyne's house?—He was in Michael Coyne's at Cornamona that day, my lord.

The *Solicitor-General*.—Ask him did he hear the people say that they should hurry or they would be late over at Clonbur—as the day was short?—He did not.

Were they going fast at Cornamona?—They were walking easy enough at Cornamona.

Easy enough. Ask him, on his oath, were they hurrying to get to Clonbur by daylight?—He could not say they were.

Did they go slow the whole way—easy enough the whole way?—He says betwixt and between.

Was he up at the corpse-house that day at all?—He was not.

And the place where he saw the prisoner was a quarter of a mile from the corpse-house?—About a quarter of a mile. It might be more or less.

Was it at the river he saw him?—It was further than the river.

Does he mean nearer the house?—No; the road.

Nearer Cornamona—was it on the Cornamona side of the river?—On the Cornamona side of the river.

And that was the first he saw of him that day?—The first time he saw him that day.

Now, has he any notion what o'clock it was?—He could not tell.

Was it eleven o'clock?—He won't say anything.

Was it twelve?—He will not give any time, unless he will tell you a lie.

Might it be between eleven and twelve o'clock?—He will not give any time.

Won't tell you what time?—He says he cannot say what time it was.

Did they go straight to Cornamona from that?—They did.

Mr. *Teeeling*.—Now, my lord, we close.

Mr. Justice O'BRIEN.—Mr. Adams, I will give you an opportunity of seeing, from the print of the evidence, what that little lad, Martin Kerrigan, said in reference to his mother being at Luke Kerrigan's. It bears out Mr. Adams' recollection, I find.

Mr. *Adams*.—And I understand that that was the recollection of the interpreter also. (Reading) “Did he ever say to Tom Finn his mother was at Luke Kerrigan's attending her son?—He did——”

Mr. Justice O'BRIEN.—Of course he afterwards said she did not——

Mr. *Adams*.—Quite so, my lord, but I was observing upon the contradiction in his evidence.

Mr. Justice O'BRIEN.—Now, Mr. Solicitor-General, you stated that you had some further evidence to give.

Mary Joyce, an Irish-speaking witness, sworn, and examined through the Interpreter, by the SOLICITOR-GENERAL.

Where does she live?—At Crumlin.

And was she at the house the day that Joe Joyce was buried—the day of the funeral?—She was.

Where was the funeral going to?—To Fairhill or Clonbur.

Who was it that washed the corpse?—The witness and another woman.

Now, does she recollect the morning of the funeral?—Yes, well.

Was there any delay about starting?—There was.

What was it?—Delaying to wait for the other woman, who assisted in washing the body, to coffin him.

And had they to wait a long time?—A good while. And the other woman did not come.

And then had they to coffin the corpse without her—had she, the witness I mean, to do it herself?—The witness, then, had to coffin the body herself.

And were they waiting a long time before the funeral started?

Mr. *Teeeling*.—I would suggest that that is scarcely a proper question.

The *Solicitor-General*.—Yes—I will put it thus. How long were they waiting before the funeral started?—She could not tell what time; she has no knowledge of it, but there was a piece of the day spent.

Was it nearer breakfast time or dinner?—She says it was past a good while from breakfast time when they left the house.

Which was it nearer breakfast time or dinner time?—She says it was a good while after breakfast time.

Mr. Justice O'BRIEN.—Could she tell herself at what hour of the day she usually takes her dinner?—After 12 o'clock, she says, my lord.

The *Solicitor-General*.—And was it coming up to that time when they left?—Not altogether.

About what time did the first of the people begin to come to the house?—Early enough, as the day was short.

Could she say what o'clock?—No, she could not tell.

Mr. *Teeling*.—That will do, my lord, we don't ask any questions.

Jane Sullivan, sworn, and examined, by Mr. MURPHY, Q.C.

Do you live in Cornamona?—Yes, sir.

Do you act as post mistress there?—Yes.

Do you recollect the day Joe Joyce was buried?—Yes.

Did you see the funeral passing through Cornamona that day?—I did.

About what time was it?—To the best of my belief it was between twelve and one o'clock.

Was it going fast through Cornamona when you saw it?—Well I can't say how fast it was going—the way a funeral generally goes.

Were they walking fast now as they passed your house?—Pretty fast. I cannot say how fast. Of course they were walking in a regular pace.

See, now, do you recollect this funeral passing your door?—I do, sir.

And looking at it?—Yes, I saw it.

And have a good notion of the time?—Well, the post had left—

But, tell me now, I ask you were they walking fast—recollect you were there looking out at it, and noting it? Yes, I was.

Well, were they walking fast?—They were going by the window pretty fast.

You did not see them stop at Cornamona?—No, I did not.

Cross-examined by Mr. ADAMS.

How far is Cornamona from Crumlin—where the corpse-house was, you know?—Well, I don't know much about the place—I have never been there.

Walter Butler sworn, and examined by the SOLICITOR-GENERAL.

I believe you have a shop in Cornamona?—Yes, sir.

Do you recollect Joe Joyce's funeral passing through Cornamona?—Yes, sir.

Did you pass any remark upon the time of day it was?—Well I did, and I remarked they were going quickly.

What o'clock was it?—As far as I can understand, it was between twelve and one o'clock.

Do you know where the graveyard is?—Yes.

And the days were short at that time of the year—the 3rd of January?—Yes.

And did you know where they were going?—I did sir.

Cross-examined by Mr. TEELING.

You know, of course, where Cloughbrack is?—I do.

I don't know whether you know where Joyce lived?—I do.

How far is that from Cornamona—about, you know?—I could not exactly say, sir.

I know not exactly, but about how far?—From my place, in or about two miles.

I see, two Irish miles—

Mr. *Murphy*.—He has not said Irish miles at all—that is your addition to his evidence.

Mr. *Teeling*, to witness.—Are the miles down there Irish miles?—I don't calculate what I mean to be Irish miles.

I see, and might it be more than two miles—in or about, you said?—I don't think it is all that exactly. I am not sure, sir.

And there is a river between?—Yes.

And a rough path over too?—A rugged path for portion of the way, sir.

Michael Mannion, an Irish-speaking witness, sworn, and examined, through the Interpreter, by Mr. MURPHY, Q.C.

Tell me, does he live in Upper Cloughbrack?—Yes.

Is his house far from Matthias Kerrigan's?—It is a distance—a while.

A while—tell me, is it between the breen that Matthias Kerrigan's house is on, and the Cornamona road?—Yes, beneath it or below it.

Below it?—Yes: between the breen and the Cornamona-road.

The gentlemen of the jury will see it on the map, between Matthias

Kerrigan's and Bridget Shaughnessy's. [To witness].—Now, was he in bed sick the day the Huddys were murdered?—Yes, and a fortnight previous.

Does he recollect, between breakfast time and dinner time, a man coming to see him?—He remembers that the breakfast was not eaten altogether when the person came—when the man came.

The breakfast was not eaten—who were the persons in the house with him?—Another woman that is here and his own old woman.

Very good—his wife. Was it the prisoner that came to see him?—It was. And (the interpreter continued) he was going to say, “and something——

Did he come into the room where he was?—He did not; but sat on a chair in front of the room door.

Does he know what o'clock it was at that time?—He had no knowledge of clocks or watches.

Was the prisoner talking to him?—He was. He inquired how he was—how the witness was.

Very good. And did he leave him then—leave the place then?—He remained for a short time inside, got up and left. He had his usual clothes on him, and he (witness) does not know what became of him or where he went after that.

And his usual clothes on him?—So he says.

Cross-examined by Mr. ADAMS.

Is he anything to Pat Mannion?—He is.

What?—A brother.

Ask him when did he tell this story first?—He had no knowledge of anything until the sergeant and a company of police came into him, the night that they were looking for them—the Huddys.

Mr. Justice O'BRIEN.—Oh! keep him to the real question.

Mr. Adams.—Ask him when he first told this story about the prisoner being in his house the day the Huddys were murdered?—He said he told him on the night they were looking for the Huddys when they went into his house.

Ask him does he swear that he told the police that night?—He says he told it within a couple of hours of night to the police.

The *Interpreter*.—I asked him, sir, about the story he has told now—about the prisoner coming into his house that day.

Mr. Murphy.—And he told it to the police the same day?—So he says.

Mr. Justice O'BRIEN.—Has he any recollection of what the prisoner said to him—ask him?—He was going to state, my lord, that when the prisoner came in he sat on a chair. I asked your lordship's question and that was the answer.

But ask what the prisoner said to him?—He asked him how he was getting on—how the prisoner was getting on, my lord.

Mr. Murphy.—Anything more?—From the disease or sickness he had—how he was getting on, and he was going to state what he said in reply——

Yes?—He—that is the witness—told him that he had hopes that he was improving.

And now ask did he say anything further—anything about wanting something from him, wanted to get anything from him?—The prisoner, sir——

Yes?—He says on his oath that he did not.

Mr. Justice O'BRIEN.—Ask him was that the whole talk between them?—That is all, my lord.

Mary Joyce, an Irish speaking witness, sworn, and examined through the Interpreter, by the SOLICITOR-GENERAL.

Does she live in Middle Cloughbrack?—She does.

Now does she remember the day of the Huddys murder?—She remembers the day the police were going about looking for them.

Was that the first day the police came there?—They came at night and on the next morning.

Now the morning of the first day that the police were there, where was she?—She went out early in the morning—She went out looking for her pig.

Very well. Now, does she know the Widow Connoboy's house?—She does.

On the Cornamona-road?—Yes, as you go out to it.

Do the scholars go to school that way?—There are no scholars from her side goes there.

Before she got up to the Widow Connoboy's, did she see the scholars going to school?—Some of them.

And had she seen them that morning before she went to the Widow Connoboy's?—She saw a little of them—some of them.

Was that up at Middle Cloughbrack?—Yes.

What time do they go to school there—ten o'clock, is it?—She has no knowledge of clocks or watches; but when they get up in the morning they put down their breakfast, and then they play a while before they go to school.

Mr. Justice O'BRIEN.—Pray or play?—Play, my lord.

The *Solicitor-General*.—And did she see them before she went to the Widow Connoboy's that morning?—She says she did.

The *Witness*.—Some of them, sir.

The *Interpreter*.—She replied herself to your question. Some of them.

The *Solicitor-General* (to witness).—See, do you speak English?

The *Interpreter*.—She says she has no English, but knows an odd word.

The *Solicitor-General*.—After she saw the scholars going to school, and after walking along the road to the Widow Connoboy's, did she see anybody there?—She did.

Who?—She saw Michael Flynn.

Did he tell her where he was going?—He did not, but the witness said to him, "You are going out, God save you," or "God bless you," and he replied that he was.

Is that—the prisoner in the dock—the man there?—That's the man.

Was he alone, or was there anybody with him?—He was alone.

Cross-examined by Mr. TEELING.

Now, ask her, are not the scholars always put out of the house as early as possible in the morning?—Out of their own houses—

Yes—to get rid of them?—She does not know what any other parents does, but her own children play awhile before they go out, and it takes a good while before they go.

Ask her when she first told this story to the police?—When they asked her about it, she says.

How long ago is it. She has not answered my question?—She does not know what time it was.

Ask her about how long it is—is it a week, or a month, or two months, or what time?—She cannot tell, for she does not remember it.

Ask her is it ten days?—Yes, and more.

Is it two weeks?—She cannot say what time.

Is it three weeks?—She has no account.

Is it three weeks?—That is what I asked her, and she cannot tell you. The man that came to her can tell you, she says.

Who was it came to her?—Mr. Tom Finn.

Did she ever tell the police that she knew nothing at all about it?—She did not.

And was Mr. Tom Finn the only one that she was talking to about it—the only policeman?—He was.

And is it a month since she was talking to him?—She could not tell, but Mr. Tom Finn can tell.

Mr. Justice O'BRIEN.—Is it four Sundays ago?—She cannot give the time, my lord.

Mr. *Teeling*.—How many weeks ago—about how many weeks?—She took no notice of it, and she cannot give the time.

Ask her is it a fortnight ago?—She could not tell—she says.

Mr. Justice O'BRIEN.—Is there a fair day, or anything that we could distinguish the time by?

The *Solicitor-General*.—We will prove the exact time if you wish it, my lord, by the constable named.

Mr. Justice O'BRIEN.—I did not know that Finn was here. He can fix the exact time for you, Mr. Teeling.

Mr. *John Henry Ryan*, C.E., re-called and examined by the
SOLICITOR-GENERAL.

Do you know the village of Cornamona, Mr. Ryan?—I do—not personally. I know it on the Ordnance map.

How far is that from the scene of the murder?

Mr. *Teeling*.—My lord, in a matter so vital as this, I object.

Mr. Justice O'BRIEN.—It is not legal evidence properly speaking, though he could measure it from that map with extreme accuracy. But Mr. Solicitor-General, the constable will be able to tell the distance, probably.

Constable *Ruddlan*, recalled and examined by the SOLICITOR-GENERAL.

You are already sworn in the case?—Yes.

Do you know the village of Cornamona?—Yes, sir.

Have you walked to it from Cloughbrack?—Yes, sir.

Now, how far is it to walk from the scene of the murder at Cloughbrack to the village of Cornamona?—I walked it in fifty minutes.

Do you know the house of the late Joe Joyce, where the funeral started from?—Yes, sir, I do.

Going to that, do you go part of the way towards Cornamona, and then branch off?—Yes, sir.

Now, how far is it from the scene of the murder to Joe Joyce's house, walking?—Three quarters of an hour's walk.

Mr. Justice O'BRIEN.—From the scene of the murder?—Yes.

Then, it is nearer to the scene of the murder than Cornamona—fifty minutes' walk to the one and forty-five minutes to the other?—Yes; I would walk it in less time.

The *Solicitor-General*.—You have already said that you branch off before you get to Cornamona?—Yes.

Walking it in three quarters—was that fair ordinary walking, or were you putting any pressure on to do it rapidly?—It was a lively walk enough; but I had my uniform and great coat on, with my revolver, and belt and all,

Were you running at all?—Oh no, sir.

And with your uniform, great coat, pistol and all, you walked it in three-quarters of an hour?—Yes.

How far is it then from Joyce's house to Cornamona—do you know the river that you cross between the two points?—Yes, sir, I do.

How far is it away?—I walked it at a slower pace, from Cornamona in three-quarters of an hour.

That is from Joyce's to Cornamona?—Yes.

Is the distance as great from Joyce's house to Cornamona as from Joyce's to Cloughbrack. From Joyce's to Cloughbrack is the longest way.

You have been living in Cloughbrack for a considerable time?—Yes.

Do you know the school there?—Yes.

At what time does the school open?—At 10 o'clock.

Cross-examined by Mr. TEELING.

I take it, sergeant, that you were not walking at the side of a funeral when you did the distance in the three-quarters of an hour?—No, I was not.

Now, do you think if you were following a corpse across the country, that was carried on the shoulders of the men, would you take longer to do it if you kept up with the corpse only that they were carrying?—

Mr. Justice O'BRIEN.—That is supposing he was going to the corpse?—

Mr. *Teeling*.—Coming with the corpse either way, because the distance would be the same either way. Suppose he had to accompany a funeral—the coffin of which was carried on men's shoulders—do you think it would take longer?—Yes, it would.

And even as it was it was a lively walk?—Yes, from Cloughbrack to the corpse-house, was a lively walk.

The *Solicitor-General*.—But no one said the funeral went that way.

Mr. *Teeling*.—I did not say so, I only want to show the character of the walk—but from the corpse-house to Cornamona it was a slower walk, and I believe you are the best man in the force for a walk or a run?—I never heard of it before.

Mr. Justice O'BRIEN.—At all events you are a bad man to run away.

Mr. *Teeling*.—I did not intend to cast the slightest imputation on his courage.

The *Solicitor-General*.—You said it was a lively walk to the Joyces' house from Cloughbrack in three quarters of an hour?—Yes.

If you had any special reason would you have done it in less?—If it was fine I would have taken off my overcoat and gone quicker.

Mr. *Teeling*.—If you were hunting a criminal across the country, and if you had off your coat and pistol, and all that, would you have gone at a quicker pace?—I could have walked at a quicker pace.

And it was still a lively walk, to make the best of it?—It was.

Sub-Constable *Thomas Finn*, sworn, and examined by the
SOLICITOR-GENERAL.

Are you a Sub-Constable stationed at Cloughbrack?—Yes.

Do you know the old woman, Mary Joyce, the last witness examined?—Yes.

You were not in court when she was examined?—I was.

Do you recollect her making a statement to you?—I do.

In reference to the same subject. What was the date?—18th October.

Cross-examined by Mr. TEELING.

Had you ever paid her a visit before that?—I had, on several occasions.

And did you get no good of her on these occasions?—I don't think I did; but I cannot recollect it at all events.

And on the 18th October the whole thing was known?—On this 18th October I went to take her statement. I never took her statement from her before, or anything else; but that day, at all events, I took her statement.

With regard to the time you went to her, didn't she on the other occasions tell you she knew nothing about it?—The time I used to go it was about the murder, generally; but I went on this day to question her as to the whereabouts of the prisoner that day, and she told me—

Mr. *Teeling* objected.

Mr. Justice O'BRIEN.—You asked him whether on the former occasions she made the statement, and he gives as an explanation that he didn't ask her on the former occasions, except about the murder generally, but on this occasion he asked her about the prisoner's movements, and now he can tell?

Witness.—That she had seen him that day.

Mr. *Teeling*.—You did not get any information that would enable you to arrest any one—not from her, at all events?—No, not for the murder.

The *Solicitor-General*.—That completes the evidence, my lord.

The Court then adjourned for lunch, and on resuming.

Mr. *Teeling*.—With your lordship's permission I wish to ask Sergeant Ruddan a question.

Sergeant *Ruddan* recalled and examined by Mr. TEELING.

I just want to ask you one question—what route did you take when you were measuring the distance from Kerrigan's to the corpse house?—I went by Kerrigan's down by the boreen to the Cornamona road, and then I continued on the Cornamona road until I went beyond Tomakee—there is no road leading to the corpse house—and across over the mountains. There is a kind of pathway, a sheep path, but there is nothing of a road. I followed that up to the house, and there is not even that to the house.

Is that the usual way to go?—That is the usual way of people coming from Cloughbrack. People who knew the road better than I did might have taken an easier way.

How did you get on the Cornamona road?—By Kerrigan's house. You see it joins the Cornamona-road.

Was it at Hyland's you went over to the Cornamona-road?—Yes.

And then, instead of going into Cornamona itself you branch off some place?—I branch off in the direction of the corpse-house. No person going to the corpse-house would think of going round, because it would be going round the world.

At all events the measurement you gave us represents, as contrasted with the roadway, a short cut?—It was just the shortest cut.

It was just the shortest way?—Yes.

Mr. Justice O'BRIEN.—Did you go a short cut or the ordinary way a person would go from Kerrigan's house?—I went in the ordinary way.

Mr. *Teeling*.—You say that Flynn, the prisoner, lives at the head, practically, of the Cornamona-road?—Yes.

Suppose Flynn went down the Cornamona-road instead of going by the boreen?—If he went that way it would take him about seven minutes more.

Then it would only make seven minutes difference?—Yes, between seven and ten minutes.

But the Cornamona-road is the road nearest to his house?—Yes, it would be the most direct road from his own house.

It would be the most direct from his own house?—Yes, if he went as far as the road went.

But you did it by going by the boreen?—I went from Kerrigan's house. I went from his own house also.

Mr. *Murphy*.—Do you know where the widow Connaboy lives?—Yes.

About a mile from the Clonbur road?—Yes.

Mr. Justice O'BRIEN.—How far is it from Kerrigan's?

Mr. *Murphy*.—From Kerrigan's it is a very short distance.

Mr. Justice O'BRIEN.—It is only 235 yards from Kerrigan's.

Mr. *Murphy*.—It would be about a sixth of a mile, or less, from Kerrigan's house.

Mr. *Teeling*.—Now, may it please your lordship, and gentlemen of the jury.—It becomes my duty at the close of the evidence given on behalf of the prisoner, and indeed I may say at the close of the whole case—it is practically closed—to address a few observations to you on his behalf. I am sure, gentlemen, for these observations however imperfect—as I know they must be—your consideration will be extended. A jury at all times, in the discharge of their duty, extends consideration to counsel who is discharging his duty, but, I think I may say, that the jury are especially careful to extend this consideration when the issue which counsel has to deal with, and which they have to deal with in a

much higher sense than he has, is the issue, the great issue, the solemn issue of life or death. Gentlemen, I am glad to hear from the Solicitor-General, who in introducing this case, as he introduced all the other cases to the notice of the juries, did deal with them with the most perfect fairness and calmness—I was glad to have from him, occupying the distinguished post he does, and I am sure I will also have from his lordship, a recognition of this principle—that in dealing with the case of the prisoner at the bar you are bound, not as a matter of favour to the prisoner, but as a matter of absolute obligation in attending to the oaths which you have taken, to put out of your recollection every circumstance connected with these cases which you have heard before you came into that box, and especially, gentlemen, to put out of your consideration and recollection everything that occurred upon any of the three previous trials, and especially the fact that some of those trials resulted in convictions of the accused persons. I cannot, gentlemen, describe to you better your duty in that respect than by saying you must approach this case as if the prisoner at the bar was the first prisoner that was tried and not the last, and as if you were the first jury that were empanelled to try him. Or, I might perhaps put it better still by saying to you that it is your duty, as far as it may be possible in human nature, to suspend, in respect of everything you know, as of course you do know everything, and everything you have read in respect to the previous trials, that you must go through the mental operation as well as nature will permit the operation to be performed—namely, absolutely to suspend the faculty of memory in respect to this transaction, and not resume that faculty until you have delivered your verdict in this case. Gentlemen, I tell you, under the correction of his lordship, that not merely are you bound to approach the case in that way I have described to you but you are not at liberty to find in the verdicts of guilty which have been already pronounced in these matters, any sort of justification for a verdict of guilty in this case; any sort of sustainment for a conviction against the prisoner at the bar; and above all, gentlemen, you are not at liberty, I tell you under the correction of his lordship, if at the end of this case, and having considered all the circumstances, you find yourselves in a position of manly, honest and independent doubt as to the guilt of the prisoner at the bar, you are not at liberty, I tell you under the correction of his lordship, to fling over that doubt, or to seek refuge from that doubt, or to quiet that doubt if it be of the character I have described it—manly and independent—you are not at liberty to find refuge from that doubt, in the fact that upon somewhat similar facts so far as the main features of the case are concerned, two former juries have found themselves at liberty to return verdicts of guilty. Apart altogether, gentlemen, from the special character of the case which we make here on behalf of the prisoner at the bar, apart altogether from that, it will be as was told to a former jury by his lordship, and as I am sure will be told to you again when he comes to discharge the high function with which he is vested, that in addition to your not being bound by the former verdict of the jury, or finding any sort of justification or refuge for dispelling the doubt by reason of that verdict, you are specially bound to disregard the previous conviction, having regard to the fact that a separate and independent case is made on behalf of the prisoner at the bar, namely, that he was not present at the scene of the murder but was at the time of its commission certainly several miles away. And, gentlemen, not being on trial himself he could not, on his own behalf, mark this, on his own behalf intervene on these previous trials and give the evidence which he has given here to day, and upon which it will be my duty to comment very shortly, that whoever committed that atrocious murder on the 3rd January, it was not he, because he was absent some miles at the time from the scene of its commission. Now, gentlemen, there is another matter which I think I am bound in honour before I approach the evidence, as well as in the discharge of my duty to the prisoner to caution you,—of course I only do so in the proper spirit and in the proper sense—to caution you against in the case, as leading to any unfair influence against the prisoner, and that circumstance is the production here and the reception in evidence of certain documents—one, the Land League card, and another, a letter addressed from a lady, Miss Nally, to the prisoner at the bar. The reception of these documents should not in any way raise an unfair influence against the prisoner at the bar in this case, or in the slightest degree strengthen any suspicion you might have of his guilt. It is now from one of these documents, that by which he was received into the membership of the Land League, it is plain that on the date of that document which I have here in Court, namely 6th June, 1880, that the prisoner at the bar joined that association at a time when it certainly had not gone, which I am sorry to say it had at a subsequent period, in the legitimate agitation for land reform in this country, with which, I for one, heartily sympathize—had not gone at that stage, when he was received as one of its members through the legitimate course of agitation; nor was it, as my learned friend, Mr. Adams, properly told you, subject to any action or complaint on the part

of the authorities of this country, and I beg also to say that that letter of the 22nd August, 1882, written by Miss Nally in reply to one written to her by the prisoner, at Kilmainham, is entitled to be regarded as a perfectly uninfluenced circumstance, so far as the prisoner at the bar is concerned. For, first of all, if you regard the date at which the letter was written—it was a letter written, when, whatever there may have been of impropriety or illegality in respect of the action of the Land League—all that had stopped—for upon the 22nd August, 1882, we had long passed the period of the no rent manifesto, which had been issued in the previous October—and we have the highest authority, and the recognized leader of that movement speaking within the last two days, that the no rent manifesto had been practically withdrawn so far as the Land League were concerned—had been practically withdrawn as an instrument to operate on the minds of the peasantry, so far back as the month of February, in the present year 1882. But, gentlemen, in addition to these circumstances, it has now been established in the clearest way, by the evidence of Miss Nally herself, that the letter to him was written in reply to one from him simply asking what he had a right to ask, and the giving of which the Ladies' Association was founded, namely, giving to the suspects, political suspects, because, as was told you by the lady, no distinction was made, or well could be made in this, unless they had a separate investigation into each individual case; that letter was simply asking on behalf of the prisoner that that association might extend to his family, while he was in prison—the bread-winner unable to discharge his duty as bread-winner to the little family; and as they became naked and ragged, and ignorant from want of education, that the Ladies' Land League, exercising the works of mercy and charity, might extend to his little family while he was confined in jail the exercise of their bounty and beneficence. Therefore let it not be said in this case that, so far as the action of the prisoner is concerned in connection with the membership of the Land League, or so far as the connection of the Land League was concerned, or rather the leaders of the association of the Land League, for practically the Land League was dead and gone, there was anything in the action of these ladies, so far as the evidence goes to show, on which any improper accusation should be made against them of any kind or degree. So much I feel bound to say in this case that we have the full and complete explanation afforded by these ladies as to their exact precise action and position in regard to the exercise of this charity. They say very fairly they gave simply assistance because they were suspects, and they did not inquire, and Miss Nally has pledged her oath she did not know at the time she wrote the letter with what offence the prisoner at the bar was accused—knew nothing beyond the fact that he had been arrested on reasonable suspicion for some matter under the Coercion Act. Now, gentlemen, there is in this case, and there devolves upon counsel on addressing you at the end of a case like this, a double duty, having regard to the nature of the defence which is presented to you. There is the duty of examining the case which has been presented on the part of the Crown, and there is the duty also of examining, which is a quite separate and independent thing, the case which is presented on the part of the prisoner at the bar. Now, gentlemen, first dealing with the case as presented by the prisoner at the bar, let us see whether we have not abundant proof in this case, whatever may have been proved in other cases, whether we have not abundant proof, and that upon reliable testimony, that upon the 3rd January, at the time of the commission of this offence, the prisoner was not there, and could not be there, having regard to the evidence that we have given. Gentlemen, in order to be satisfied upon that point, you will have to come to some conclusion, and a very definite conclusion in your minds, is what was the period of the day on the 3rd January, at which this foul murder was perpetrated. If you fix the commission of that at one hour early in the morning, and fix it at a later, but in another view of the case, at a much later hour, the consequence will be very very fruitful indeed. In the one event, the case for the Crown would not be proved, but at all events it would be made very probable; in another event, if we have proved it, the case for the Crown cannot be true so far as they seek to bring Michael Flynn upon the scene of the murder that day. Therefore, gentlemen, just let us see upon the evidence of the Crown themselves, at what time you can fairly say the unfortunate Huddys appeared at the house of Matthias Kerrigan, or if you prefer it, at the house of the prisoner, taking the view of the Crown. Gentlemen, the view suggested by the Crown—I say view, for I will presently show you it has not been proved—the view suggested on the part of the Crown, is this, that the murder was committed, that is in other words, that the Huddys were upon the scene of the murder, between nine and half past nine o'clock, on the 3rd January, and gentlemen by that case they must be bound. Now, let us upon their own evidence see whether it was possible, whether it was probable that the Huddys could have been upon that barren, either at Kerrigan's, or at Higgins's house, at half past nine o'clock upon that morning. Of course, gentlemen, in

coming to a determination upon that matter, you must look very closely at what were the movements, so far as we know, of the Huddys upon that morning. Now, gentlemen, the case is proved by these two sons, by one of them, at all events, the two I think, with whom everyone here must most deeply sympathise; the case proved by them, was this, that he got up early in the morning, and that a car being there, or at all events, the sounds of a car being there, he drove from Creevagh, where he lived, down to this point upon the Clonbur main road, and the point where the boreen, or something of that sort, branches off by the residence of Mary Walsh. Now, I will ask you to bear that in mind. It is the evidence that the distance from Creevagh to that point where the car is supposed to have been dispensed with, and that he is supposed to have gone on foot as seems to me to be a likely and probable view of the case. It is proved, gentlemen, by the evidence of the Huddys themselves, and of course if they have any interest at all and a most natural one it is to try—I don't use the word in any improper sense—avenge the foul and brutal murder of their father—that that is some seven or eight miles, Irish. And that even going upon the car, as we are led to suppose, though it has not been very clearly proved, it would take, going at a pretty fast pace, an hour and a-half; but, gentlemen, whether they did or did not go at a very rapid pace, it would take in or about two hours, and I don't know you are at liberty to assume that upon that morning of the 3rd January the Huddys did drive, for we know nothing about the character of the horse or the character of the driver, as has been so well pointed out by my friend, Mr. Adams, who, having addressed you upon the whole case, has so much lightened the burden which I, at the close of it, have to bear. You have no right to assume that he drove in anything but the ordinary way, that is at a pace which it would be reasonable, and having regard to the character of his horse; and therefore if it took two hours, as I ask you is the more probable view to take of the time it took old Huddy and his grandson to come from Creevagh to the point I have mentioned. Then let us see what was the earliest hour at which he could have arrived at that point on the 3rd January. Gentlemen, it is not pretended by either of the young Huddys, as I remember their evidence, of their having started—bear this in mind—any considerable time before daylight, nor, according to my recollection of their evidence, did they go the length of saying that their father did, in point of fact, start before daylight. Therefore I am at liberty to assume, in the absence of any evidence to the contrary, and as a thing in itself probable and likely, that old Huddy did not start from Creevagh that morning before daylight; but, gentlemen, on the contrary, he started upon the morning, some time after daylight, I care not how little after daylight. Now, gentlemen, if that be so, fortunately for the interests of truth and justice, we have a fact which we are at liberty to appeal to in this case, and I do it, I am sure, under the correction and sanction of his lordship. I appeal to the almanack and to the calendar with reference to that 3rd January, '82, and I tell you that the calendar shows that the sun, my lord, upon that morning, did not rise until 19 minutes past 8 o'clock, and the sun, which is a very important matter for you to consider when you come to deal with the evidence with regard to the funeral, and how long it took to go from the corpse-house to the graveyard at Clonbur—the sun, according to the same authority, set upon the 3rd January, '82, at 52 minutes past 3 o'clock. Therefore, gentlemen, take the most favourable view you possibly can of this case for the Crown, it may be if you like, that Huddy started at the first streak of dawn—at the very first sign of the sunrise—take it that way against the probability I proved in the case, and the very earliest moment, assuming the car went in the ordinary way, that he could have reached this point would have been nineteen minutes past ten o'clock, and, gentlemen, if you don't take, as you are not bound to take in this case the most favourable view of this question of time for the Crown, but if you take the more favourable and the more probable, the more reasonable view, namely, that he did not start with the streak of dawn, but started some time afterwards, say a half or three quarters of an hour; or what, as I say, is the most probable, having regard to the duties he would have to discharge to himself, and the preparation he would have to make, he started at an hour after daybreak; and that, if we have him starting at nineteen minutes past nine o'clock, and we have him at the top of that old road quite early enough for the discharge of his duties he had to do in that district at nineteen minutes past eleven o'clock; and I tell you this, if you come to the conclusion that that is the more reasonable view of the movements of the Huddys that morning, the case for the Crown vanishes, because they have fixed this point themselves—that the murder took place in or about half past nine o'clock in the boreen. They have fixed themselves to that, and if that of course be true, it would be impossible that Huddy could have been there, and their case utterly and entirely fails. Surely that entirely fails when you remember what is the evidence with respect to the movements of the prisoner upon that day given to you by

evidence which has not been even sought to be impeached by those who represent the Crown. And, gentlemen, if I bring him here, as a matter probable and just to the prisoner, at nineteen minutes past eleven, or if you like it nineteen minutes past ten, taking it the other way—take it in the way most favourable to the prisoner. Why before, and that is conceded now—before Huddy reached the scene of this murder for the purpose of serving the Kerrigans and the persons in that boreen, he had up to that time traversed a very large district, and discharged his duty in other places, because, gentlemen, you have it in the evidence, and this is the case for the Crown, that the first place he went to after he left this point of contact with the Clonbur road was down at Mary Walsh's where undoubtedly upon that morning he served the process. Now, gentlemen, the distance down through the boreen—we may fairly take it a rugged boreen—the distance, according to the evidence of Mr. Ryan, is 466 yards. There of course he stopped. He did not of course come galloping down that boreen; he walked down that boreen at a reasonable pace, and you are at liberty to assume that when he got to the house he was detained for some little time, at all events, before he went on his journey. Now, gentlemen, how much time do you think you ought, in fairness to the prisoner, to allocate at nineteen minutes past ten, or else I ask you more probably nineteen minutes past eleven—what time will you allocate for the journey down to Mary Walsh's, and for the delay he must have met there before he proceeded further on. But it does end there, because before he reached this portion of the district at all the Crown case is that, having served Mary Walsh, he proceeded down in this direction, keeping the margin of some river—went down to Patrick Moran's. At Patrick Moran's he served a process—that is admitted by Catherine Moran's evidence. What is the distance from Mary Walsh's down to Patrick Moran's? Mr. Ryan tells you it is half a mile, so that you have to add to the 466 yards another half mile, and the distance you have in point of time from the period he came from Mary Walsh's down to Patrick Moran's—you have to allocate some for his detention at that house, while he was discharging the duty of his serving the process, which he undoubtedly did upon Catherine Moran that day. Am I pushing the matter too far with you, as fair and reasonable men, when I say that before Huddy on that morning took to this road—an imaginary one, gentlemen, because the tracks you have there are purely imaginary—I mean to say the little blue marks, the word "tracks," will not be upon it—but the suggestion of the Crown is that he went through this difficult district, a heathy district, as I think the evidence of Catherine Moran herself will show you, for it was a way she had never taken herself for the purpose of going to the Cornamona road. How much time will you allocate to him before he starts from Patrick Moran's at all to reach the district where he will serve the processes. Because, mark you, the theory of the Crown is this—that the service did not cease with the service upon Mary Walsh and Patrick Moran, and that there were other persons to be served subsequent to the service upon Mary Walsh and the service upon Catherine Moran. They were served before he came down here to Macken's house, and then he went up the boreen to serve Kerrigan and to serve Higgins. Why, gentlemen, up to the time he reached that I think he would have taken at least a quarter of an hour, and that would bring him down to at least half-past ten o'clock, and in my view would bring him down to half-past eleven o'clock. And now, gentlemen, when I am on that point, and on this question of time and measurement, I am sure you will excuse me if I dwell upon this point. I have here substantial corroboration by a witness produced on the part of the Crown themselves, that the service upon Catherine Moran was not served at or before half-past nine or anything of the sort. She says in her evidence that it took place in or about eleven o'clock. Now, of course, it will be said, gentlemen, that her evidence cannot be relied upon, but you must remember that the Crown in this case have assumed the responsibility of producing her. She is not our witness, and she swears that the time when the Huddys came to serve the process was in or about the time that she would be preparing for mass, if she was going to mass, and that would take her, I think, an hour and a half or two hours to go at the speed at which she would go if she was going to mass. So that by her evidence the very earliest period at which she could be served that morning would be half-past ten or eleven o'clock. Concurring with the probabilities of the case, having regard to what we know now in this case for the first time, as to the hour when the sun rose that morning—concurring with the theory which I have presented, that assuming he started at the very stroke of eleven, he could not have got there before twelve o'clock. But, gentlemen, he came to go from that place across this heathy path according to the Crown. I'll take it that he had to go by that path to the Cornamona road, and the theory of the Crown is that he went on this way to Cloughbrack and served other persons before he got to the boreen. May I ask how much time is to be allocated for the distance of half a mile—according

to Mr. Ryan a portion of it consisting of very rugged ground—how much time after twelve o'clock is to be allocated for the distance he travelled before he commenced the service upon the other persons, before he approached the breen of the Kerrigans or the Higgins at all? How much time would it take to go one-third of a mile, there being no particular object in his going on at all at any great speed, because he had ample time for the discharge of the duties which he had to perform, because those duties only embraced those places which I have pointed out to you. It is perfectly plain that upon that day, from in or about half-past twelve o'clock, he would have had most abundant time, not merely daylight, but mid-daylight, to discharge his duty, and any other business he might have in the village of America, and leaving him abundant time to return to his own house while the light of day was still shining. Well, he came to the Cornamona road and served other people there; and do you think that this man, having a disagreeable duty to perform, and whose interest it was to keep upon the best terms with the people that he had to serve with these notices—do you not think he would remain to utter some kindly words to the people at whose houses he had to discharge this disagreeable duty. It would be only according to the genial Irish nature which is ever anxious when it has a painful duty to discharge, to discharge it in as kindly a spirit as possible. Self interest would have dictated that course to him if his own nature did not suggest it to him, and accordingly he conversed with the people whom he served, and he stops at the house of the people whom he served, and then you bring him up to the spot of the breen, not a long distance undoubtedly from the top of that to the place where the Kerrigans live, as I admit a very short distance; but I ask you as fair and reasonable men, are you satisfied beyond the shadow of a manly and intelligent doubt in this case that it was not long after ten o'clock when he reached the top of that breen, and I would ask you to believe that it was long after eleven o'clock, as was more likely and probable, when he came down here to serve the process on Matthias Kerrigan. Well, gentlemen, if that be so, if by following the witnesses we have fully ascertained—not merely for the movements of the Huddys, but ascertained also for the movements of the witnesses produced on the part of the prisoner—if we have him, not reaching that breen until eleven o'clock, when, according to the statement of the Solicitor General, breakfast was taken by the Kerrigans. If this be so, I say what becomes of the theory of the Crown that this murder took place at half-past nine o'clock when you remember in connexion with that evidence that has been given, not impeached on the part of the prisoner, shows that if you take that hour of eleven, or even half-past ten, as the hour at which the Huddys reached Kerrigan's for serving this process, there is an end of the case of the Crown; and it would be physically impossible for the prisoner at the bar to have been there on that occasion. Well, now, gentlemen, if the matter stood only there, I would be entitled on the theory that the Crown have presented, to ask you to find a verdict for my client—if these questions were to be settled by the question of time, and the Crown have fixed as a most important element—in fact, as a determining element—the question of time. But, gentlemen, is that case not sustained by the evidence we have offered on the part of the prisoner at the bar. Now, gentlemen, I may say of that case, that as regards the witnesses we have produced, that not a single shadow of a shade of impeachment has been cast on those witnesses by counsel as far as cross-examination could suggest it—I do not know what will be done by my learned friend, Mr. Murphy, when he comes to reply—no impeachment on cross-examination whatever was cast upon those witnesses that we produced on the part of the prisoner. Gentlemen, no such incident occurred in respect of them as did, undoubtedly, occur in respect of the witnesses who were produced in the other cases. No such incident occurred as when, having given their evidence, the learned counsel for the Crown got up and said “Come, sir, did you make a deposition in this case”; and “Come, sir, if you didn't make a deposition did not you make a written statement to the police, and is the deposition or the written statement wrong, because it is utterly inconsistent with the evidence you are now giving.” No such thing. No contradiction; no false swearing; no story told some months ago, and another story told now—a story differing in every respect from what unfortunately did occur in the other case, and you have this fact, that the persons who come forward to depose to you on the matter of the presence of the prisoner on the 3rd January, and the time when he was there, are not, gentlemen, his relatives, as was the case in the other trials, but they are persons entirely unconnected with him, independent persons, who so far as blood, or affection, or relationship, are concerned in this case, have no real interest in misrepresenting the real facts as regards the prisoner. What does that evidence establish?—We have examined the prisoner's son who says that he got up very early that morning, and got up very early because this corpse-house was at a considerable distance, and because it was absolutely essential, having regard to the distance from that corpse-house and the distance to the graveyard at

Clonbur, some nine Irish miles, and to the fact that the burial should take place while the daylight still remained—before three o'clock—and the son tells you that his father got up at such an early hour on the morning as would be exactly probable in the case—at a time which would give his father the time that would be essential to reach the corpse-house in the time required—the time before the starting of the funeral—and the time that would be indicated by the other witnesses. But, gentlemen, that evidence of the son which you might say was interested evidence, evidence given for the purpose of fitting in with the evidence which is presented to you in this case at the very outset—that evidence of the boy is corroborated by independent witnesses who are not proved to have made any false statement, and against whose character not the slightest imputation is hurled—the statement of Tom Flynn as to the time his father got up is corroborated by the witness, Patrick Duffy, who was up to go to the bog that morning, and who undoubtedly met the prisoner there. But, gentlemen, we have produced three witnesses, unconnected with the prisoner, who were present at the corpse-house that morning, and each of these witnesses has deposed upon his solemn oath that the prisoner at the bar was at that corpse house upon that morning, and they fix that time, from circumstances they have mentioned with regard to themselves. They have fixed that time in or about half-past ten o'clock, and you are not going to hang the prisoner in this case upon the question of half an hour where you have to deal with such distances as these. They fix the presence of the prisoner at the corpse-house at about half-past ten o'clock. If you are satisfied that they are telling you the truth on those, if you are satisfied also that they are truth-telling witnesses, as regards their desire to tell you the truth, and that these may possibly and reasonably be the facts which I have presented to you as to the time that Joe Huddy started, and should have reached this boreen. If you are satisfied that he was at that corpse-house at half-past ten o'clock, it is utterly impossible that he could have taken part in that murder, or be there at the time it was committed.

Now, gentlemen, before I pass on to a very brief investigation of their evidence, permit me to remind you of a thing which I had almost forgotten myself. It was presented to you by my learned friend, Mr. Adams, in his opening statement of this case—that in addition to the question of time which I have presented to you, that according to the theory of the Crown itself, whoever was present at the murder in the boreen, even taking their own hour—and it is now proved to demonstration that it could not be the correct hour—that whoever was present at the murder had first to discharge the ghastly duty—because the case for the Crown here is that that was done by the prisoner at the bar, by Thomas Higgins (Tom), was done by Patrick Higgins (Long)—they had to discharge the duty of taking the bodies down to the end of the boreen, and afterwards through this difficult portion of ground to the lake, and when they had them at the lake they had to discharge that very necessary and rapid duty, in the sense that it should be done then, and not deferred to another occasion—they had then to dispose of the bodies by going to this place, tie up the bodies in the way that it must have been done—all this must have occupied a considerable time; and then the person who had to discharge that duty would have, according to the argument of the Crown, to go back again subsequently over the whole route, and to start from the place where the murder was committed for the scene of the funeral. If you add to the time when the murder of the Huddy's took place, when you add to that time the time that it would take for the discharge of this other and necessary part of the transaction, and the time occupied in the return of the person who discharged that duty—and it is the case of the Crown that it was done by the prisoner at the bar, and by Thomas Higgins (Tom), and by Patrick Higgins (Long). When you add the time necessary for the doing of all this together, you will bring it up to a time of the day far past that at which the prisoner at the bar was proved to be at the funeral at Crumlin. Now, gentlemen, every one of these witnesses that we have produced who deposed to seeing the prisoner at the corpse-house, told you that the funeral started—and it was essential that it should have started, having regard to the distance from the grave-yard at Clonbur—should have started, I say, about half-past ten o'clock. Therefore, if it started in or about half-past ten o'clock it was of necessity, if the prisoner at the bar was there, that he should have reached it some period before that hour, of course, to see the friends, and to talk to the people, and to discharge those duties that are discharged at a funeral. And, now, the only person that throws the slightest doubt on the witnesses that we have produced on the part of the prisoner as to the exact time of the starting of that funeral is the witness, Thomas Walsh. Now, gentlemen, Thomas Walsh says, and this is the only thing now upon which the Crown could hang an argument. Thomas Walsh does undoubtedly say that as far as he recollects, he was there about two hours before the

funeral had, in point of fact, started. And, of course, gentlemen, if he didn't reach the corpse-house until ten o'clock or some period such as that, it would have the effect of starting the funeral about twelve o'clock, and the Crown would then be enabled to say, at all events—"Our theory, if not established by fixing the hour at that time, is given a very reasonable amount of probability." But, gentlemen, you have the explanation from Thomas Walsh, and the explanation of Thomas Walsh upon that subject would seem to be this, that having been himself charged—a relative of the deceased man, not a relative of the prisoner—he being a relative of the deceased man, and being charged with the duty of getting the coffin for him, and to perform those other duties that have to be performed in reference to a funeral by a relative, that he, gentlemen, went to the house at an early period in the morning; he uses the phrase, no doubt, that the day was a little spent, which phrase would be amply satisfied by a quarter of an hour; that he left his own house at a very early hour in the morning of that day, for that place, his house being only some quarter of a mile from where the corpse-house was, or some little additional distance, which would have enabled him and he could have reached the corpse-house before nine o'clock. So take that into account, and I will allow that there may have been a delay for a short time, there being a large number of persons there, but taking that time into account, it would have enabled that funeral to start at the time told you by the witnesses called on behalf of the prisoner, and which if you are satisfied upon the point, the case of the prisoner is complete. Now, gentlemen, that evidence is sought to be encountered by evidence produced here on the part of the Crown, and they have first produced the wife of the deceased man; but I venture to think, gentlemen, that her evidence does not carry the case at all any reasonable length upon the part which they wish it to go. Because when she is asked as to what time the funeral started at, she tells you very frankly that she does not know, and you are not at liberty to say that that means twelve o'clock—when she does not know the hour; but she says that there was—which possibly is likely enough—that there was some little delay by reason of the fact, that the person who was to discharge the duty of confining the deceased man did not arrive for some little time. But she does not undertake to say when the funeral started—she does not undertake to say that it did not start at the time that we have fixed it by intelligent witnesses—the persons that have been produced here. Really her evidence does not support the case for the Crown at all. Well, gentlemen, you had then Mr. Watty Butler, and all that Mr. Watty Butler proves is this, not having timed it by looking at a clock—for he does not profess to say that there was any reason why he should have looked at a clock on the 3rd of January, for none knew that a murder was about taking place. All he says, looking back over the long period of nine months, ten months, aye, it is eleven months—is that he thinks, that is his evidence after all, he is not certain about it, but he believes that it was somewhere between twelve and one o'clock when the funeral reached Cornamona. Now, gentlemen, I tell you, that if you take the hours that we have fixed—even if it did reach that place between twelve and one o'clock, it is not at all inconsistent with its having started in or about half-past ten or eleven o'clock, for this reason, gentlemen, that a portion of the journey intervening between the corpse-house and Cornamona, or near Cornamona, where a cart was in waiting to take up the coffin for the rest of the journey—the whole of that intervening portion of the journey had to be travelled on foot—had to be travelled on foot; for as you have heard admitted by Sergeant Raddan, they had to travel over a very uneven, difficult district, and that had to be traversed by men who were carrying a coffin upon their shoulders. Now, of course, you know, even take it now that the distance was only about two miles—you know perfectly well, gentlemen, if you have to carry—if a person has to carry—as is the case here admitted by the Crown—a coffin for some two miles over a rugged and difficult country, at one portion of which you meet a river, where there must be necessarily a halt, and necessarily an arrangement made to traverse that river—the persons who are attending that funeral, still waiting upon that funeral, and following it side by side, or a little in advance—you can well conceive, even taking the hours fixed by the Crown itself, that two hours or thereabouts would have been consumed between the corpse-house and Cornamona, under the circumstances that I have described to you—with a most difficult and laborious part of the road, added to which, there was the bare fact that the men carried a corpse upon their shoulders, and that of course the persons attending that funeral waited upon that corpse as they were bound to do, as a mark of respect for the memory of the man who was dead. This, gentlemen, is the evidence of Watty Butler, and it is perfectly consistent with the case that we present to you on the part of the prisoner. Now, gentlemen, then again, that is sought to be impeached by the evidence of the man, Michael Mannion, and I confess that here, for the first time I must say in the progress of this

case, we have something to complain of as to the conduct and the action of the Crown. I do not know who may be responsible for it, but beyond all question, the evidence of that man, Michael Mannion, ought to have been evidence, gentlemen, in fairness to the prisoner—ought to have been evidence given upon the direct evidence given upon this case, and not, gentlemen, at this stage of it. Because, if you believe the evidence of that Michael Mannion, the brother of Pat Mannion—about whom I will have a word to say presently—if you believe the evidence of that Michael Mannion, it is consistent with this, from the vague way in which he fixes the prisoner at his house, speaking to him upon that day—that it may have occurred early in the morning, just immediately after the murder, or about the time of the murder; or it may upon his evidence have occurred at a much later period of the day, namely, in or about dinner time. And if the Crown wish you to believe that he was to prove that the prisoner at the bar was at his house early in the morning, in all fair play that evidence ought to have been given upon the direct evidence in this case, and we ought to have known the evidence which he was about to give, and above all we should have been furnished with a statement of it if he didn't make any actual deposition for the Crown. These are the circumstances under which he gave that evidence; and I say it is not evidence on which you can act, given at the time at which it is given; and it is especially, gentlemen, not evidence on which you can act if you come to the conclusion, as I shall presently ask you to come to the conclusion, that the evidence of Pat Mannion with respect to what occurred in the boreen upon that morning; and the evidence of his son is not evidence upon which you can rely, but, on the contrary, is the evidence of persons whom there is the greatest reason, if not certainty, for believing were themselves implicated in this murder; and there is no more natural person to come forward, if he could, to sustain their case for them than their own brother, Michael Maunion, and with that I dismiss his evidence from the case. Gentlemen, the only other evidence is the evidence of some old woman—a woman named Mrs. Joyce; and I have to make the same plea with respect to her evidence that I have made with respect to the evidence of Michael Maunion—namely, that if it be true evidence it ought to have been given at the commencement of this case, together with any other evidence that was to be given in the case, and that not having been given then, and having been kept by the Crown to themselves, and then given at the last moment, when it is given after interrogation by the police, and the denial she knew anything at all about the transaction—it is not evidence upon which, I respectfully submit to your better judgment, you ought to act, as against the evidence of the independent and unimpeached witnesses we have produced here to-day, as to whose antecedents not a single question was even asked, nor was it suggested that those antecedents were in the slightest degree open to impeachment, that you will not act against their evidence, or the evidence of Mrs. Joyce, under the circumstances that I have just described to you. Well, gentlemen, this practically closes the question of the *alibi* in this case, and I ask you, with great confidence, to say that that *alibi* has not been in any substantial or material way broken down whatever. And just add now, as a circumstance confirming it which I had almost forgotten—it is difficult in a complicated case like this not to forget something—add now, gentlemen, to the testimony itself of our witnesses, add to the hour at which, from the nature of things before which, Huddy could not have appeared upon the boreen—add, gentlemen, to that this fact—that the funeral had to traverse at least nine Irish miles before it reached the graveyard at Clonbur, and that if that was to be done before daylight, so as that the grave might be opened and that the duties to the dead might be discharged—that would have to be done some considerable time before it was dark upon that day, because—I again refer to this almanac, which, of course, cannot err—when sunset was at a quarter past three upon that day, it would make it absolutely essential that the funeral should have reached the graveyard some considerable time before a quarter past three o'clock, in order that the grave might be opened, and that the body might be deposited there. It is also, gentlemen, part of the case in that way—how long would it take—if the theory for the Crown be true—how long would it take a funeral to go nine or ten, or it might be eleven Irish miles—eleven Irish miles—how long would it take it to go, and at what hour should it start, if that funeral was to reach the graveyard—at all events at the very shortest time when the duty could be discharged of the opening of the grave, and the depositing of the body, and the farewell said—what time was it essential that that funeral should have started upon that morning from the corpse-house at Crumlin. Is it not perfectly manifest, gentlemen, that if the theory of the Crown be correct, and that it did not start—because that will be the theory here—and that it didn't start until one or two o'clock—a question that is sought to be determined by this question of the

waking of the corpse, that would not have taken any length of time at all, and which, by the way, upon the evidence I think took place on the previous day—whereas the delay was only the delay of confining the body—ask yourselves if it started at one o'clock or twelve o'clock, and then had to be carried over two long miles over this rugged portion of the journey with the necessary halt of the men, and I ask you to believe that there was a halt also at Cornamona, and that then the rest of the journey through a district certainly not the most easy in the world, a balance of eleven Irish miles, or something like sixteen or seventeen English miles; ask yourselves if it started at twelve or one o'clock, what time it could have reached that graveyard before three o'clock. Now, gentlemen, these are the hours about which there is no dispute—before three o'clock—to have enabled it to have been buried there. Now, the evidence of our witnesses, gentlemen, is this: that the funeral reached the graveyard a considerable time before evening had descended—that is, it reached the graveyard a considerable time before three o'clock. It must have reached it at the very earliest something like a quarter to three o'clock, I should say more likely something like two o'clock—or say a quarter past two o'clock—in order that the grave might be opened, because it is not pretended by the Crown, and you know your own experience will corroborate what I say with regard to the habits of the poorer people in the country—it is not pretended that the grave was opened before the arrival upon that day of the funeral. It was the funeral of a very humble man—so humble, so poor, that actually his friends hadn't the means—his family hadn't the means—to provide a coffin for him, and that had to be obtained, as you have been told by Thomas Walsh from the relieving officer, who had nothing to do with the opening of the grave, nor would he have anything to do with it in the case of such a funeral. It was a humble grave in a humble graveyard belonging, no doubt, to that family, for even the humblest, the poorest of our people have humble graveyards set aside which they reverence and respect. But, gentlemen, the evidence of our witnesses is that the grave was not opened, it had to be opened when the funeral arrived, the coffin had to be deposited, and then there was some little lingering there—necessary lingering there to pay respect to the memory of the dead. They told you upon their solemn oaths, and they have not been contradicted by any person who has been found to come forward and dispute their testimony, though the Crown have now ransacked the whole district, and their product is—Mrs. Joyce and Mr. Michael Mannion. There is no evidence that they reached that graveyard after the sun had set, or that there was a rapid burial. There is no evidence on the part of the Crown on that to discredit the positive evidence on the part of the prisoner, that he not merely was there at the time of the opening of the grave, but, gentlemen, that there was time to get back to the village of Clonbur itself while it was day—while the sun was still up, and to enable them, in the words of one of the witnesses, “to walk a mile with daylight attending them.” Well, gentlemen, that is the case now of the *alibi*. And, now let me see, apart from that *alibi*, what is the case upon the direct evidence itself upon which the Crown ask you, in this case, to convict Michael Flynn, the prisoner at the bar. Gentlemen, I think I may take the liberty of saying to you that practically the only evidence on the part of the Crown connecting the prisoner at the bar with the commission of this offence, is, gentlemen, the evidence of the Kerrigan family themselves, and the evidence of young Pat Mannion. The elder Mannion, gentlemen, gives no evidence—now bear this carefully in mind—the elder Mannion gives no evidence whatever against the prisoner at the bar. He does not profess to say that when he, the elder Mannion, saw upon the breen that day—that he saw there the prisoner at the bar—much less that he saw the prisoner at the bar do anything whatever. But, gentlemen, it is true that the younger Mannion does fix the prisoner in that breen at an early hour in the morning, and undoubtedly if you accept his testimony—at an hour that would be consistent with the case on the part of the Crown. But talking of Mannion, senior—now this is the last time I shall say it to you, but take it from me as a fact, not contradicted by the Crown, and I am not corrected in respect of this by his lordship, take it from me that the elder Mannion says nothing whatever against the prisoner at the bar; and, gentlemen, that evidence is reduced, as I have said, to the evidence of the younger Mannion and the evidence of the Kerrigan family themselves. Gentlemen, the only other persons upon the material parts of the case—that is the actual commission of the murder itself—who give you any evidence at all, are the Hallorans, and bear in mind the Hallorans, who are the witnesses for the Crown, do not profess to be able to identify a single one of the persons whom they undoubtedly saw at the house of Matthias Kerrigan when they looked over the wall after hearing the shots fired. Therefore, now, I have to deal with the evidence of young Pat Mannion, and with the evidence of the Kerrigans, to which, gentlemen, I will very shortly apply myself. Now, the first thing is this. Can you act—before I come to Pat Mannion—can you act upon the evidence of the Ker-

rigans? I say, gentlemen, with great respect, you cannot. With the very furthest point that you can go, especially having regard to the evidence in the case, but you cannot go with the Crown in this case, as his evidence as well as the evidence of Mannion will leave you in doubt and gloom and difficulty at the end of the case. And if that be your mental condition at the end of this case, by the merciful provision of our law, my client, the prisoner at the bar is as much entitled to your verdict as if he had affirmatively proved his innocence to your most entire satisfaction. Gentlemen, I ask you in this case to say that the persons who were responsible for this murder, were, at all events, who ever else there may have been connected with it, were Matthias Kerrigan, and I cannot absolve Mannion, as, at all events, if he was not actually at the scene of the murder, he beyond doubt put himself in such a position of sympathy with and association in it, as to bring himself under the ban of the law—taking even the view that he had no guilty knowledge that the murder was about to take place—or that he was there in that borean as an advance guard, to prevent anyone approaching, or to prevent anyone seeing what was going on—or if anyone approached, that he might be in a position to give notice of possible danger. Take the most favourable view of him—I will show you in a moment you cannot do—his position is this—you are at liberty to take the most serious view of it or the very lowest, I will ask you is his position not this of being accessory after the commission of the crime—to an extent that would make him liable to a punishment of penal servitude for life? But first let me deal with Matthias Kerrigan. Had Matthias Kerrigan, gentlemen, here a motive for the commission of this murder? When I ask you that question you cannot forget—and it is this that justifies me in asking the question—that that murder was committed at his own door; that the sack which carried down the body of one of the victims, was his own sack; that the man who carried down one of the victims was his own son, and that the same man and his wife with lightning speed, upon their own evidence, after the commission of the murder, wiped up the blood that fell from the victims, so that every trace of evidence in this case might be blotted out. Those are the circumstances under which I am entitled to ask you had Matthias Kerrigan a motive for the commission of this murder? And in contrast with that had my client any motive for the commission of this murder. Now, gentlemen, upon that question of motive, I do not want to present it unfairly or unreasonably to you. It depends entirely upon the question whether the direct evidence to connect a man with murder be reliable or unreliable evidence. If, gentlemen, you are going down a street or down a road, and that you see a murder committed before your eyes, you being utterly unconnected with that murder, having nothing whatever to say to it, and that you have the faculty of eyesight and take the opportunity of observing—and that you come forward then to give evidence when in point of fact that murder was committed by the person who would be in the dock—then to talk to a jury about motive, or the absence of motive, or the effect of that motive, would be simple nonsense upon the part of any counsel who understood what his real duty was. But I tell you, under the correction of his lordship, that when the direct evidence affecting any particular person, or to the commission of a murder, be not reliable evidence, but be upon the face of it open to the gravest suspicion, and to the gravest doubt and suspicion amounting to a view that the actual person giving it is himself implicated in the offence, then motive becomes of the greatest possible consequence in the case, and the jury are not merely entitled to consider it, but I tell you they are bound to consider it. Gentlemen, have you here any motive for the commission of this offence? The case differs in that respect, in a most important way, from the case of the first prisoner who was tried—Pat Higgins (Long). In this case it is now proved that no ejectment process whatever was issued against the prisoner at the bar. Nay furthermore—that not the slightest intimation was given to him that any process was in contemplation. It is not proved, gentlemen, that so far as the Huddys were concerned, he bore them the slightest ill will, nor does it even appear that any person was served upon that morning, or was about to be served upon that morning, who was in the slightest degree attached to him or mixed up with him, so as to justify his espousing their cause. See how absolutely different is the case of Matthias Kerrigan. He undoubtedly had the fullest notice that an ejectment process was about to be served upon him. He owed, upon the evidence of Mr. Goode, three and a-half years' rent; and upon the evidence of Mr. Goode the process issued was, in point of fact, against him; and it is the case for the Crown that he was to be served upon this very 3rd of January. Now, gentlemen, the murder took place. No one can doubt that the murder had its origin in something of an agrarian character. I ask you this—is it not, unfortunately, too true—with respect, at all events, to some portion of the tenants of this country that they do recognise the fact that when there is an ejectment pending against them, or about to be served upon

them, as a reason for the commission of the murder of the man who is about to serve that ejection upon them? The position of the case as regards Matthias Kerrigan being this: the Oughterard sessions was to be on the 19th of January, and service according to the case for the Crown was to be on the 3rd of January, and when that 19th of January came, if a good service had been effected, eviction must have followed—because you have the evidence that there were three and a half years' rent due and that the wife of Kerrigan having gone to make terms with Lord Ardilaun did not succeed, and that his lordship intended to enforce his legal rights. Therefore, gentlemen, upon the 19th of January, the position of Matthias Kerrigan would be this: that he would be evicted from his land, and that he would have nothing then but the wide, wide world before him, because he has admitted that his only means of support was that little plot of ground. Therefore, gentlemen, he had the most coercive motive that is recognized by the tenantry, and then you have this: that the murder is committed at his own door, that the sack which takes the murdered man down is his own sack, and obtained under circumstances that are almost incredible—namely, that the prisoner had gone up himself without any assistance and taken it down from the loft. And you have then the fact that his own son takes down that body; and you have the other element present in the case to make it just as likely that he committed the murder as that any other man in the community should have done so that could possibly be fixed upon by the Crown or by anyone else. Gentlemen, what is the course, under these circumstances, which Matthias Kerrigan pursues? He is arrested upon the night of the murder by the police, who, from the very earliest moment, fixed upon him as being the guilty person. He is brought before the magistrate, he is discharged by the bench, and he is immediately re-arrested, so satisfied were the authorities of his guilt. He is immediately re-arrested under the Coercion Act, as a suspect—not, gentlemen, as a political suspect, but he is arrested under the Act, charged with being reasonably suspected—not of some political offence—but of the actual commission of murder. He, gentlemen, remains in jail until the 25th of September. Other persons are arrested also, but before the 25th of September those other persons are allowed out, but he is still kept by the Crown, indicating that they would pursue this charge against him to the end. And then, gentlemen, for the first time, seeing that the other persons were left out, and that perchance amongst those so liberated there were persons who had knowledge of the circumstances of this murder, and who could tell the truth about him, and that he lay in danger of that—of the truth being told—under those circumstances for the first time at the end of nine long months he makes the charge of the commission of this murder against the prisoner at the bar, and other persons. Now, gentlemen, it is well for you to consider a very important piece of evidence given in this case yesterday. While he was in Galway jail—it is upon the question of whether there was a good and full opportunity of comparing notes, and the concoction of this story between him and the other members of his family—you have it upon the evidence that while he was in jail he was visited several times by his wife, and that he was actually visited by her three days before he disclosed his story in this case, and at that time, gentlemen, he was merely a suspect, with all the liberty, all the laxity, and all the special favours and privileges, which we know as a matter of history, and through the Acts of Parliament, were given to that class of the inhabitants of jails. What further follows? When you are asked in this case to say that there is an intelligent and independent statement made by this man, and one which is not liable to suspicion—when he gets out of jail, having made this charge, and after the other persons were discharged, he is then, gentlemen, brought to Galway town, and I have it now established on the evidence that while he was in Galway town he was there visited by his wife and by the other members of his family—in fact, that they left their little home there altogether, and they went to reside with him in Galway, and there was the interval, therefore, between the 25th of September and the 13th of October, fully to compare notes, and fully to make up a harmonious story for the 14th of October, when the depositions were taken, gentlemen, upon which the prisoner has been returned for trial. Now, gentlemen, those are the circumstances, and leaving those circumstances at the very lowest, they are full of the deepest and gravest suspicion against Matthias Kerrigan. Now, gentlemen, is the case bettered by the evidence in this case given by the Mannions, because, I am happy to tell you, that it is the only remaining evidence that I propose to consider? Pat Mannion gives no evidence against him; but Pat Mannion does give important evidence—no doubt the Crown will ask you to regard it so—or respecting the whole of the general features of this case; but he has given evidence against Thomas Higgins (Tom), the man who has been convicted. Now, gentlemen, bear in mind, but you are not bound by any previous verdict, even in the case of Tom accompanied by the younger Kerrigan—who, mark you, the Crown tell

you were there innocently—and therefore a person befriending rather than coercing Patrick Mannion. Now, that is what he says, and he asks you to believe that there being upon the case of the Crown only one person there who could have exercised the slightest coercion against him, that that coercion was exercised by that one person, and that under the influence of that coercion he carried that body down a small part of the boreen. Gentlemen, at what time is this alleged coercion exercised? It is exercised according to him in the broad noon day, within a few perches of the house of his friend Corbett, where he might have taken refuge. I care not whether the person or the man in that house was old and bed ridden or not—he might have taken refuge according to his own statement in that house, in that house which we now know, my lord, was only distant some fifty yards from the place where this alleged coercion took place; or he might have done still better—he might have gone a very small way down the boreen to his own house that was only some fourteen yards off to effect that. But Higgins (Tom), and your duty is to examine this case independently by yourselves and without any aid from your previous verdict. What is the story of this Patrick Mannion, senior, before I approach the young man at all—who is presented to you on the part of the Crown as being a reliable, independent, unimpeachable witness—something to which you may appeal if you arrive at the issue of the doubt as to whether the evidence of Kerrigan is reliable. Gentlemen, he tells a story—the like of which, I take the liberty of saying, never was presented to a court of justice for belief before. Now, remember his position. Upon his own evidence he is accurate for at least a portion of that boreen—I will ask you to believe for a much longer portion—that he was down at the depositing of the body in the lake; and, if necessary, that he was further on up at the commission of this murder. But, taking it upon his own statement, the position in which he is placed—that he admits that he carried one of those bodies for a portion of the way down that boreen. Now, gentlemen, that admission places him, would have placed him, and places him still, under the sternest obligation to show that he so carried that body innocently and under compulsion. If, gentlemen, at the time he had that body on his back, with the feet of the murdered man protruding from the sack, and the name of the murdered man not even asked by him, or the slightest interest, upon his own statement, taken in it to know who it was—if, gentlemen, perchance one of the constabulary had come up the boreen at that moment, perhaps lying in ambush—had come up the boreen at that moment, and had seized Patrick Mannion, with that sack and that dead body on his back, what answer would he have in any court of justice, if he was put in the dock charged at least with being accessory after the fact, possibly with being one of those actually implicated in the murder. If he told the story that he tells here to day to the Crown authorities, would it not be scouted by them? For what is that story? Was he, gentlemen, upon that occasion coerced? I ask your careful attention to the evidence upon that point. His evidence is this: that when he got—that when he was leaving the house of Michael Corbett that he then met—not, gentlemen, the prisoner at the bar—not Pat Higgins (Long), but that he met Thomas Higgins (Tom) by himself. He does neither the one nor the other. It occurs in the noon day, therefore at a time that he had none of the apprehensions of night to operate upon him—none of the apprehensions that might influence a man in the night when he could not tell if there were hundreds behind to assist those coercing him. He cannot make any case such as that. And undoubtedly if it did occur at night, and that it was proved that there was only one person who exercised that coercion, you would make allowance for the fact that he might have had apprehensions that others would assail him if he resisted. But, as I have said, he cannot make that case. He admits that the coercion was exercised, that it was only exercised by one person under circumstances that would have enabled him to have freed himself from it, and to have taken refuge from it, and yet he did neither one or the other! And now, gentlemen, what is the coercion? The coercion is that Tom Higgins (Tom) was one of those who fired at one of the Huddys. Mannion does not say that when this coercion was exercised upon him by one person, and only one person, and that person not the prisoner at the bar—he does not say that that coercion was exercised upon him by the prisoner at the bar, but by Tom Higgins (Tom), by the presenting of a pistol—by seeing that the man had a pistol—he does not make that case; and are you to believe, there being no proof of a pistol—no pistol seen by him on the person of Tom Higgins (Tom)—that merely on the asking—“you will,” he said, or words to that effect—that being the coercion exercised in broad noon day—a fist—the hand of a man being in the bag, that by no possibility could exercise injury to him—you are asked to believe that by simply threatening him—to raise his hand against him, that he was put in such fear and difficulty and danger that he had no course open to him but to do what he was asked and bring the bodies down to the river. If he was on trial as being an

accessory after the fact, and that that was the only coercion he could allege as having been exercised upon him, would any jury, I ask, for an instant listen to such a statement from him, or recognise in the presence of any person without arms—without proof of having arms—without his being able to say, “I saw arms upon him; I know he was in a position to use them against me,” would he be listened to for a second either, through an advocate or otherwise, when he said he brought the body down the boreen innocently that day. If, therefore, the circumstances cast suspicion on him—the gravest suspicion—will you then add suspicion to suspicion tainting the evidence—all tainting the evidence—and make up an aggregate of corroboration, and say that the case is proved against the prisoner at the bar. But now I come to the evidence of young Mannion. He distinctly says that upon that morning he saw the prisoner in the boreen. The question is, can he be believed? He is the son of the man who carried for a space of that journey the body of one of the victims. That father of his, by his so doing, unless he was able to prove his innocence to demonstration, he at the very lowest placed himself in the position that he would be liable to penal servitude for life. That same Patrick Mannion was interrogated upon this transaction, and he, like every one of the Crown witnesses, denied the slightest knowledge of the transaction. It was absolutely essential to the case of Patrick Mannion, if he was to be believed at all, that he should get some corroboration—that he should give the semblance of respectability to his story, and get somebody to bear him out and who would not be obliged to confess that he too had taken part in the transaction. And accordingly the evidence of the son in behalf of his own father is procured, and he has given the evidence that Michael Flynn was in the boreen that morning, for the purpose of corroboration, and for no other purpose than to bear out his own case, and giving to it something like an appearance of reality. He could not put him in the boreen at the time the body coming down, for that would not answer their case, because in that event coercion would be nonsense, as there would be then three persons against one to prevent it; but he was obliged to put him in a place where it would appear as corroboration and evidence of such a character that would seem to be the evidence of a person not himself connected with the crime. Remember now, gentlemen, what it is you are asked to believe—a story of concoction which they had four months to fabricate—the father and the son together; but, gentlemen, I ask you to disbelieve it as incredible, that the Mannion family did not know all about this. The wife knew all about it, and you may be perfectly certain it was not concealed from her that the father took this part in the transaction. The notion of saying that the son had not a deep interest in trying to clear his father is simple nonsense. With these observations I dismiss Patrick Mannion. The evidence of the Kerrigans stands in a similar position, and I say you cannot act on it. The evidence of the wife is tainted with the same suspicion. She had the same object in view—the protection of her husband, which is sufficient to account for her evidence in this case, and on which most people will look with a pitying eye on account of the position she was placed in. She had the additional object of clearing herself, from the fact that she was found removing the blood from before her house, and so conceal the commission of an offence which, if she was an honest woman, it would be her duty to the law and her duty to society to have at once disclosed. The same object applies to the evidence of young Mat Kerrigan, upon his own showing, he having the influence of screening his father or erating upon him, beside the direct influence that he was found in the boreen under circumstances which made him liable to penal servitude for life. But he had also the motive of saving his father—the affection for a father being scarcely, in the case of a child, less strong than in the case of a wife for a husband; and I therefore look, notwithstanding the effort he is making to take the rope from round his own father's neck and put it on my client's—I look on him with a pitying eye also. There is nothing else in the case, gentlemen, but the evidence of young Matthias Kerrigan, and my learned friend, Mr. Adams, has disposed of him already in his statement of the prisoner's case to you. He is operated on by the same motive that operate on Mrs. Kerrigan, young Kerrigan, Mrs. Mannion, and everyone of the Crown witnesses, and with these observations I dismiss the evidence of the Crown. Now, gentlemen, at the close of my remarks on behalf of the prisoner at the bar, I ask at your hands a most careful consideration of the views I have presented to you on his behalf, in conjunction with Mr. Adams. I am sure I need not remind you that you have a special obligation resting upon you to beware lest the influence of the times in which we live—lest the influence of threats, which we know have been uttered, and which it was my duty to expose the other day as having been directed against the independence of juries, should operate in any way upon you. Be careful, not merely of that, gentlemen—and it would scarcely be, indeed, human nature if some such

influence did not get into your box—but in considering this case do not let yourselves be operated on by the fact that two previous juries, having to deal with some of the main features of the case, returned verdicts of conviction. I ask you in this case to say that it is infinitely more likely that the Kerrigans were the real authors of this crime—I care not whether by themselves or in combination with others—the authors of this offence, backed up and aided by Mannion as an accessory after the fact, and that that crime was not committed by the prisoner at the bar, against whom no other charge has been brought or laid—and that, as I have already said, it is far more like the truth that the Kerrigans were the perpetrators of the crime themselves. But it is unnecessary for me to have recourse to that, for I ask you with confidence to say, now at the end of the case, having heard all the evidence, and investigated all the facts that in this case you never can find in favour of the Crown, and that being left in gloom, doubt, and uncertainty, by the merciful laws of our land my client is entitled to your acquittal.

Mr. *Murphy*.—May it please your lordship, and gentlemen of the jury, I am sure that you feel satisfied, as I and my learned friend, the Solicitor-General do, that you have on this occasion heard from my learned friends, who are defending the prisoner in this case, everything that ingenuity or ability could possibly urge on the prisoner's behalf. It was the duty of my learned friends—a duty which they have fully discharged—to bring forward every single point, or make a single suggestion, no matter whether reasonable or unreasonable—whether rational or irrational—whether to throw discredit on witnesses against whom nothing could reasonably or truly be said—still it was their duty, acting as if the prisoner himself was addressing you, to urge on his behalf every topic that could possibly be addressed to you and to assail every witness that could possibly be assailed. Our duty, gentlemen—and I trust we shall discharge that as our learned friends have discharged theirs—our duty is totally different. Prosecuting on behalf of the public here, we must only aid you and the Court in coming to a right and just conclusion. We should not presume to bring forward before you a shred or particle of evidence that we were led to believe to be false—and gentlemen of the jury, we should not urge, as against the prisoner, any portion of the evidence that may have been given in the case, beyond what to fair and reasonable minds it may be considered to assist you in arriving at a just conclusion. And now, gentlemen of the jury, let me entreat your attention in considering, in the first instance, the nature of the crime, apart from the evidence which we allege clearly brings home guilt to the prisoner. Here are some of the undisputed facts of the case.—Joe Huddy and his little grandson left their place at Creenagh early on the morning of the 3rd of January, in order to serve some civil-bill processes for his employer in the townland of Cloughbrack. Now, without stopping to inquire as to what hour or what precise point of time he left it—when it was grey light of morning of that day, or when the sun rose, or how long before the sun rose—there might have been a breaking, as it were, of day, or the grey light sufficient for him to enter on his work—without stopping to inquire into that, as we have no certain or positive evidence as to it—let us see what we find established in some instances by reliable evidence, and in other, perhaps, respects the evidence of reluctant witnesses. We have him at the house of Mary Walsh. She was not up at the time he arrived; she may have been in bed later than the usual time, because the poor woman was unwell, and there was no other inhabitant of the house but herself and a little child about three years of age. She cannot fix the hour. From there he proceeds to the house of Mrs. Moran. Her husband is not in the country, and she, the witness whom you saw on the table—the witness who burned the copy that was served on her that day, when in the evening she heard, I say, of the murder of the Huddys; because their disappearance was known to establish their murder—she who destroyed the copy, and who would ask you to believe that she did that at the suggestion of some man whom she had never seen before—but I would venture to suggest to you that she well knew the man who came to make the suggestion to her, or, according to her own account, who gave the order or direction to burn the copy of the process that had been left with her. She was examined before a magistrate, and put to her oath to give an account of this transaction. She said that Joe Huddy called there, and served her with this copy, and that was early in the morning—early in the morning. The next place we have any evidence of Joe Huddy, and I suppose his little grandson accompanying him—he left the car here (pointing to model), and must have proceeded on foot down here (still pointing to model). There were tracks found there. It is not a difficult place at all to traverse—that is only the theory of my learned friend. It is contrary to evidence that it is. Whether he went across here, or down there (pointing to model), there were tracks found which led to the conclusion that he came in at this point (pointing to model). But the

next place we have a witness seeing him, is on the road between this point called America and the house of Mackens, and that witness got up early in the morning, for he had to go a journey himself. He had done his breakfast early, and immediately after eating his breakfast, he went out on the road, and saw Joe Huddy proceeding on towards the place, that would lead him up, into what we will call Higgins's or Kerri-gan's breen. Now, on the evidence of Mrs. Moran, and of that man Flynn, you have Joe Huddy at her house early in the morning—at Mary Walshe's before she was up—at Mrs. Moran's early in the morning—early in the morning too, going along the road towards Mackens, according to the evidence of Flynn, and at that time he was seen by Flynn, at that comparatively early hour, he had not to walk, I suppose, a distance that would occupy fifteen minutes to the place where he met his fate. Now put the evidence as to the circumstances under which he met his fate out of question for a minute, and let us come to the 27th of January. On that day, at some distance out in the lake at Lough Mask, the sailors who were searching for the bodies discover side by side, or close to one another, the two bodies—that of the aged man of over seventy years, and of the little boy between fifteen and sixteen. That of the little boy was secured in a sack, and in the sack there was found a stone of considerable weight, well secured in it roped around, and the body of the old man had attached to it by ropes wrapped up in his great coat also that stone that weighed about ninety-four pounds. They were brought to land, and supposing now that you were there and saw them taken out of the lake, placed in Wood Island, some distance away, what would you say? Only what will be proved as clear as daylight. What would you say? What would be proved as clear as daylight? A foul murder was done. It was a crime of that character, as my learned friend says, eminently agrarian. No other reason, of course, could possibly be suggested, save that he was out serving processes seeking the recovery of rent. How many in the place around, here where we stand—whether you are on the island or on the mainland—how many people must have been engaged in this terrible crime, not perpetrating it perhaps with their own hands, but many must have been privy to it, how many must have taken part in the whole transaction? How many are likely to have been looking on? Must there not have been careful preparation made for the perpetration of this terrific crime? Must not the persons who proceeded to carry it out have made arrangements beforehand, and provided means for the disposal of the bodies? Must they not have arranged to have a boat somewhere, tolerably close to the place in which the bodies would be deposited? Must they not have assistance to secure the stones in the way they were recovered. They have the ropes ready to place them in the boat, to carry them out a distance, and to place them where they expected they would never have been discovered. Examine the bodies further. How did the old man meet his fate? Four bullet wounds in the head—two necessarily fatal on the instant; one in the back of the head, one in the front, each proving fatal the very instant it reached the unfortunate man's head; two others on the side of the head, one at each side, one on the shoulder. Five bullet wounds! Some in front, some in the back of the head. There were at least two executioners with revolvers about the aged man. Look at the body of the little boy. Two bullet wounds in his head, both at the same side, likely to have been fired from the same revolver—both at the same side of the head. Seven bullets, at least, discharged at the bodies; and, if any of them may have missed, perhaps some more; but seven, almost clear demonstration that there must have been two men with revolvers engaged in this terrible business. Two at the old man, vying almost with each other to know who would be foremost or chief assassin—who would have the credit of first despatching the old man from the way the bullets were fired, some at the back and some at the front of the head? Where could they have been fired? If some distance from the shore of the lake, what arrangement had they for carrying the bodies? Who were in the boat ready to receive the bodies when they came? Who was there supplied with ropes to tie up the stones in the way in which they were tied, and who accompanied them out to the place in the lake where they were found deposited? If this was done there in the broad daylight, how many must have known it? You know, gentlemen, how people in these villages are on the alert for any strange sight they see—for any persons going towards the lake, getting into a boat, hearing the shots were fired, knowing that Joseph Huddy was to come that day—his disappearance? How many were there of the inhabitants of this tolerably thickly populated place who knew well how the Huddys met their fate on that day, and knew well how the bodies were disposed of, and where they must have been placed? Gentlemen of the jury, it is perfectly absurd, it is beyond all reasonable question to intimate to a jury the possibility that that murder was the result of some sudden outbreak at the house of one of the peasants where he came to serve the pro-

cesses? That some one man and one or two of his family, whether he had one or two sons, unpremeditatedly rushed on this deed, perpetrated it and carried out the disappearance, I may call it, of the bodies in the way that it must have been done, as proof is furnished on the 27th January under the circumstances the bodies were found. Such a theory is absurd. There must have been several engaged in the execution. There must have been still more engaged in the disposition of the bodies, the preparations for placing them in the boat—the preparations for sinking them. And whether there were three, four, or six, or a dozen engaged in that, the fact that the Huddys were murdered that day, that they were taken down to the shores of the lake and that their bodies were placed out in it, must have been known to many a man, to many a woman and many a child in all probability in that district before two o'clock on that day. Now independently of any evidence in this case at all could this be suggested to you for a moment—could you entertain it, that this is the way the murder occurred—that he came up to the house of a man named Kerrigan, who was there with his wife, one son fifteen years of age, and one little boy eleven years of age, that this man was waiting for him with two revolvers—that he and his son shot him and the lad who accompanied him, and afterwards that they took their bodies along this way (referring to the model) down to the lake, placed them in a boat, tied stones to them, and so secured them that the bodies should remain at the bottom of the lake, in the way in which they have been found to be secured? Is it conceivable? Is it conceivable that Matthias Kerrigan perpetrated this murder in the way in which it was undoubtedly perpetrated, and concealed them in Lough Mask in the way in which they were found? But, gentlemen of the jury, if that is possible for a moment to be conceived, and that Kerrigan, his wife, and children, had this all to themselves, how many must have seen it? Did anyone aid them in carrying down the bodies, or did anyone see them carrying them? And no matter how ready they might have been to conceal the fact of the murders—the inhabitants of the district when the Kerrigans gave information to the authorities, and when on the first symptoms of something like a more wholesome state of things arising in the country, an abhorrence of assassination exhibiting itself and confidence in coming forward to give evidence against assassins—I ask you when the Kerrigans gave information, and acquired the character that unfortunately any person in their position must be held to acquire in the district—what was there to restrain any of the surrounding inhabitants who witnessed any portion of the transaction from coming forward and telling what part the Kerrigans had taken in it? Was it unknown to the people as to who put the bodies in the boat? Did Kerrigan and his son do it? Then whose was the boat? Did they row it out themselves, or did they do it with the aid of strangers who were never seen before in the country, and never seen since? Why, gentlemen of the jury, if the Kerrigans were down there, and if they had disposed of these bodies, the father, the mother, the son and the little boy had taken part in it, the moment they accused persons in the position of the prisoner here, there would have been a cloud of witnesses to come forward to say it is false. We know it was yourselves brought the bodies down—we know it was you put them in such and such a boat, and had ropes to tie the stones round them. A number of persons would have been ready to come forward, in what would be undoubtedly the most laudable thing that could be done under such circumstances, namely, freeing an innocent man and fastening the guilt on the perpetrators of the crime, who would be giving information to the authorities endeavouring to shift the crime from themselves. Now, gentlemen of the jury, let us see when this crime was committed, and whether or not the possession of the documents on the body of Joseph Huddy after death, does not prove the place to which he came, and the spot at which he had ceased effecting service of the processes with which he went out. Bear this in mind; that he or any other person in his position going to serve any legal documents must have the original with him ready to show the person on whom he serves it, and must have a copy to give the person on whom service is to be effected. He should, in the ordinary course of business, after he made the service, endorse on the original, or, perhaps, not do it until he went home at night, the fact that he had effected service. Of course, the person on whom the copy is served might easily dispose of it, as Mrs. Moran did that evening, but if he lived the first thing he had to prove in proving service was looking at the original and stating he served a true copy on such a date, and having his endorsement to prove he served it. The original is to be retained by him, and from it proof is to be furnished of the service on the party for whom service is intended. He had received for service several of these documents for service in this district of Cloughbrack. I should say he was anxious to be early in commencing his duties in order to be rid of the work as soon as possible, for it was perilous work, and I don't think my learned friends believe in a bailiff going to serve processes was

likely to be entering into friendly conversations and making delays at the houses to which he was proceeding on such a mission? He did not stay a moment at Mrs. Walsh's or Mrs. Moran's. He was not a welcome visitor at any house, and not likely to linger long in any friendly conversation with the occupants. He had several documents for service on persons whose habitations he had to meet before he came to Matthias Kerrigan's. He did in point of fact effect service on the woman Walsh and on this woman Moran. He passed by the house of Conroy—passes the road here (referring to model) near this place called America. He passed by the house of Macken. He passed by the house of Pat Higgins (Long), who lived in this house (referring to the model). It is to be assumed that he effected service on these persons in the places I have named before he met his fate on that day. But, gentlemen of the jury, when the body is taken up and the pockets searched, and there is not found any originals intended for service below the line of that house (pointing to model). Mary Walsh's original disappears. Had the police who ransacked his pockets taken out that? Mary Moran's original disappears. Had they taken out that? No original for Conroy appeared. Was that removed? No original for Macken appeared. Was that removed? No original for Pat Higgins (Long) appeared. Was that also removed? Gentlemen of the jury, does it not clearly show that the persons who murdered this unfortunate man, when rifling his pockets after his death, were careful at least—no matter what others they might take—were careful at least to take away the originals that were intended to prove service on the persons he had passed and effected service on before he came to the point where he met his death? Gentlemen of the jury, of course if Joseph Huddy came home that night without having met his death there would be proved a certain number of originals with him and his copies, you would come to the conclusion that the persons for whom the originals were proved, and for which there were no corresponding copies had been served. But, gentlemen of the jury, when the fact is proved beyond all question that his pockets must have been rifled, and that the originals must have been taken from the possession of Joseph Huddy, it is perfect demonstration, the circumstance that the documents found were originals, that whoever rifled his pockets had no interest in taking away the originals intended for Matthias Kerrigan or Hyland, or Pat Comer (Mark), who lived here (referring to model), or even the copies intended for Lake, Kyne, and others. And a very significant fact came out, as in this case other facts came out, all tending to prove the perfect truth of the story told by Kerrigan and other witnesses—a singular fact came out from an observation made by his lordship to Macken, who lived in the next house to Pat Higgins (Long), an original had been given to him, and three copies, one for himself, and one each for two under tenants, who had an interest in the land with himself. The original is not found, neither are two of the copies, but there is found one copy for one of the under tenants named Kyne, who did not appear to have lived there. The Mackens showed clearly that he had effected service at Mackens on the way there. He had the originals for service and showed clearly that the originals which he had served were made use of, and that they at least were taken from off the body lest it might ever be found, and some evidence be capable of being given of the existence of the originals of the service which had been effected. Gentlemen of the jury, another thing that we cannot of course lose sight of with respect to these documents properly referred to by my learned friend, the Solicitor-General—suppose all the weight that is attached to them and the memorandum book found on the prisoner is this—in the district where all the people are Irish speaking—I think with the exception of the father of old Halloran, we had not an English-speaking witness—but these documents prove that the prisoner is a tolerably well educated man, English speaking, able to write English and so far as looking for a dictionary able to improve himself; and they prove this that if he was engaged in this transaction at all it would be as a sort of leader and director; that if he took part in it, it was because he was in the position of a sort of leader of the people in the district; and let us but see whether the evidence does not clearly establish that was the position he held according to the testimony we have given in the case? And furthermore, gentlemen, they prove this, that if the Kerrigans were inventing this story and were fixing the crime on some persons who were innocent of it, the last person they would go to fix it on would be the man Michael Flynn, who occupied, in respect of them, a superior position, and who did not live within half a mile of them; and who, moreover, if he was innocent of the act, would have had a number of witnesses to start forward, and say Michael Flynn, who occupied this position of taking a leading part in the land movement—of taking a leading part in it and being popular among them—for that reason—I push it no further—Flynn would have had a number of witnesses then to prove that the bodies were taken away by other persons—that the Kerrigans were seen taking the boat, and doing all that had been done in order to dispose of the bodies after the execu-

tion. Aye, and more than that. It is utterly impossible to conceive you would not have a number of witnesses to prove that Kerrigan and his son were seen in the possession of the revolvers—because although the police may not find it out, the people in a district of that kind could lay their fingers on the persons who have revolvers, and who, from their position amongst the people, are supposed entitled to have these little weapons, not of defence, but of offence; they could lay their fingers on them just as distinctly as they could name the persons living in their district. And there would be a number of witnesses to come forward if possible to establish any single act in the life of Kerrigan, his wife, or his son, to prove they were not entitled to perfect credence in a court, and had not led innocent and simple lives up to the day on which this assassination was committed close to their door. Nothing of the kind has appeared; and, let us see, now coming to the very circumstances of this assassination, what is the evidence independently of the Kerrigans? Now, perhaps, it is possible for persons, husband and wife, to make up a story to get themselves out of a charge; but, I think, it is almost impossible to conceive that they could make up a story such as this, without the most complete and absolute proof being able to be given of the utter falseness of the story they told, if it was not based on truth? In the first place, I suppose, there is no doubt that the two unfortunate Huddys were murdered somewhere about here (referring to the model). Kerrigan was in prison. His wife went there to see him. I don't care whether she had opportunities of telling him he better tell the whole truth, or tell a story, but I do not stop to inquire into that for a moment. His young son—if Kerrigan himself, and his wife, had conceived this fiendish intention of fastening the crime on some innocent persons, they being the perpetrators of it—it is hard to conceive they would have considered it necessary to bring into it the young son of fifteen years. It is utterly impossible to conceive they would think of bringing into it a little boy of from ten to eleven years of age. I think it was proved he will be eleven next harvest. If it was a fiendish conspiracy on their part, they were most certainly furnishing means of clear and distinct proof of the falsehood of the story. But take it for a moment now that they are all involved in it. Had they any arrangement with the Hallorans as to their evidence? It is not suggested. The Hallorans are reluctant witnesses so far as they can, ready to tell anything in favour of the prisoner, or at least against the prosecution; ready to tell anything against the prosecution that young Halloran had the boldness in reply to the Solicitor-General to state before you, that indeed hearing the shots fired had no connexion with his running with his father down to that point at the end of their garden from which they would get a view of this boreen. That was utterly incredible. But why did he do that? Because, I suppose, that he reasoned this way, that the next thing he would be asked, "Why did you not get up to the top and ascertain who the men were; why did you not tell something about it on the evening, or why did you not follow down a little on the road, cover behind some fence, and see who were the three or four men whose heads you saw"? But he did not know? He knew just as well, I respectfully submit, as you know that when he heard the shots and looked down and saw where the men were assembled, that foul murder was being done. He and the father looked on, and they were satisfied, and did not want to interfere with the bad work, or perhaps with what they might have esteemed the good work. And, therefore, he endeavoured to persuade you, in answer to the Solicitor-General, to credit an absolute falsehood. He added that he did not know why he went. He swears distinctly it had nothing to do with the shots. But the father and he are there. They see three or four men. They don't see old Kerrigan there or Mrs. Kerrigan. They don't see the young boy of fifteen, but they see the group about here [referring to the model], and they see Pat Higgins, the inhabitant of this house, somewhere about here [pointing to model]. But of course when they came to give their evidence here they prove he was doing nothing only looking on at the good work, his hands down by his side. Now, gentlemen of the jury, stopping there you have it proved by the evidence of most reluctant witnesses, that there was a party engaged in that assassination, that at least this man, Patrick Higgins (Long) was looking on at it, and the evidence of these reluctant witnesses, anxious to say what they could against the prosecution—they don't mix up, their neighbours, Kerrigan or his wife with the transaction that was occurring there, and as I would suggest to you under their eyes. Under their eyes. Could not say whether it might have been Michael Flynn or Pat Higgins; they might have been there without their knowing them, because indeed they only saw their backs, and they had their hats on. If it was Kerrigan looking out after these men, he was not likely to have a hat or coat on at the time. But he and his wife would have been well known, and easily recognised by Hallorans father and Hallorans son. But, now, you have, as I most respectfully submit to you, established beyond doubt on their evidence,

that there were three engaged in this, and substantially established that Pat Higgins, the occupant of this house, was a looker-on. It is not suggested the Hallorans were giving evidence in support of the Kerrigans' story, or to free the Kerrigans from the charge. It is the evidence of reluctant witnesses unimpeached by counsel for the defence. Well, now, gentlemen of the jury, who is the other witness? Who is the next witness? Pat Manion, and then his son, Tom Mannion. What does Mannion prove? He was an old man. You saw him; nothing was alleged against him, a feeble man, so far as he appeared to me, and certainly you will agree with me, a simple old man. He described his going in some time after his breakfast into the house of a man named Corbet. Coming out he is encountered on the lane. Who does he see? He sees Thomas Higgins, one of the persons alleged by Kerrigan to be engaged in this transaction. He sees young Kerrigan with a sack at that time on his back. He sees the man named Pat Higgins (Sarah) who you saw produced, and who appears to have given no reluctant aid in the disposition of the bodies. He sees these three men on the boreen, and he is at once pressed into the service. My learned friend says there was no compulsion. He described on the way he was taken by the collar and dragged, all depending on the strength and youth of the person in question. Was there a question there was anything inconsistent with the character of Tom Higgins for mere strength or physique in taking that old man and dragging him along, and when failing in putting his hand under the sack and pushing him along. They met him, and because he had the misfortune to meet them on the boreen, they make him take such a part in the transaction as would make him hold his tongue about it. But, says my learned friends, he had reason to save himself. Who told a word about Mannion? Who brought Mannion into it? No one had ever heard of him except that it came from young Kerrigan. None of the other Kerrigans, father, mother, or little boy had seen him at all? Is it idle of my learned friends to say he was the advanced guard. Such a person to be taken as advanced guard in any transaction of this kind, I could not conceive. But if he was advanced guard—if he was privy to the murder, he would have remained with the burden or the willing leader of it, and escorted it at least down to the lake. It is suggested if he did, there would not be many and many a witness to tell of it? But, says my learned friend, he was afraid of his own safety. If he was found with the burden on his back, what answer would he have to give to it? A complete and perfect answer—as complete and perfect if he was arrested by a policeman from going out of Corbett's house—he would have as complete and perfect an answer as would satisfy any jury on a trial.

Who was with him? If he was there by himself—if he was there by himself with the body it would be different. Who was with him? Tom Higgins. If the constable had seen Tom Higgins—had seen him forcing him to take it. If the constable had seen him—had seen them as they went along—had seen Tom Higgins catching him, pinning him—then going along and here and there holding the sack on him, what would he said? And if the body was taken out of the sack, and the two bullet wounds found on poor Huddy—found on the head of the poor boy, and Tom Higgins was seized and the revolver found on him—who would contemplate pressing a charge against the old man—this old Mannion when he would have said "It was I who did it. It was the man who had the revolver. The strong vigorous man who caught me, and made me carry it whether I would or not." No doubt of that. Who was there in the whole of Cloghbrack that had said a word against Mannion. He had in his terror concealed it himself and said not a word about it. Who was there in the whole of Cloghbrack to come forward and tell a word against Mannion. Through the whole of that place where the body must have passed—from the time it passed Macken's and Corbett's down to the time it came to the boat and was carried out to the island—who said a word that Mannion had taken part in that transaction that day? From whom, gentlemen of the jury—whence did the information come? It came from the other, as I most respectfully submit—from the other innocent person in the transaction. Kerrigan told the story—it was complete to a certain point. "It was taken off my back. He (Mannion is referred to) was made to carry it. Go seek out Mannion—go put him to his oath, and he will be obliged to tell you this." But, said the learned counsel, "He got into this difficulty." How did he get into difficulty? Why? He told this story, it was true. What object had he in this—what object had he, on the face of heaven, had he in bringing in his young son—that little, as I would say, that most interesting boy, Tommy Mannion; as interesting a boy as you could get, I suppose, in his class of life in the country. What earthly object had old Pat Mannion in bringing forward this little boy to tell this false story, as it is alleged here—as if he had been supposing that he wanted corroboration or needed it. But he did not, in this respect. Kerrigan had told his story—had told his part in it, Mannion's story had agreed with Kerrigan's. It is not suggested

to you, mind gentlemen of the jury, by either of the able counsel, this case that Mannion and Kerrigan accompanied that body one foot beyond the boreen, and the road where Mannion says they left it, and that they returned to their own homes. Nothing of that kind is established or suggested, and not establishing this proves the innocence of Kerrigan. It is not suggested even that one of the Kerrigan family except young Kerrigan, and that under the circumstances which he knew took place, accompanied these bodies. It is not suggested they went down to the boat—that they rowed out to where the bodies were buried or deposited. It is not suggested, gentlemen of the jury. There is no appearance of Mannion wanting to bring in his son to prove all this. What does he bring his son in to prove. Now you can just imagine to yourself the conversation that would have taken place if he wished him to bear him out in all his statements—"Don't you recollect the day I carried the dead bodies. Did you not see me on the lane. Did you not see me made carry it by Tom Higgins. Did you not see me lay it down as soon as I could, and run away home." Now what does the young boy prove? Not that at all. He is in no way brought forward, or has he any wish or knowledge to tell of the position of his father in this transaction. He is left to himself, and he swears that he never told about this to him—never spoke to him about it—but he tells you nevertheless another most extraordinary fact—"I recollect well the day the police came looking for the Huddys." The day after this foul murder he recollected as every one else did in that village—recollected it well—recollected it just as well as Mrs. Moran did—just as well as Mrs. Moran recollects it, was the day she saw the strange man, and I would suggest now, just as she knew her own right hand ordering her to burn the document which she had just received. Young Mannion recollects the day when the police were looking for the Huddy's, and though he was asked did he know anything about that murder he said he never did, and when asked the special question "Did you recollect seeing Michael Flynn that day or any others." He does not fasten it on Pat Higgins or Tom Higgins, he says "I saw Michael Flynn that day on the boreen, I knew him well. He spoke to me," and said to him "What do you want here, get off the boreen." Who now was the advanced guard—who was keeping the road clear, was it the man in the leading position who was likely to take part only as a prominent leader in it. He was the advanced guard according to the evidence. Who ordered the young fellow off the boreen. What explanation is suggested by my learned friend. What possible suggestion can ability or ingenuity make—any that could have been made by either or both would have been made, but as I said before there is none. The truth is established by the evidence of the little boy, Tommy Mannion. He was out on the boreen, and the advanced guard was there, too, and the advanced guard determined to clear the place, so that if there were any spectators they might be only of that stamp that they could be pressed into the service, and that little was, therefore, run off. If he was left there he might, after a time, tell the true story that could not be broken down. He could not be allowed to witness it, but should be got to go on off the boreen. What brings the prisoner there? What about the theory about the funeral hours, aye, moments now. That was not the road for him to go to the funeral. Mind you, gentlemen of the jury, it is suggested that he got up early, and that he got up early because he wanted to go to the funeral, and that he put on his good clothes. Now, by the by, only one witness says that—none of them says that except one—and the other; saw him in his own, his ordinary clothes. He had no business except to commit this awful, this terrible tragedy on that boreen on that morning. Old Joyce's funeral did not bring him on Kerrigan's boreen that morning and did not place and keep him there moving about occupied in hunting the little boys off the boreen. Perhaps, says my learned friend, he thought the little boy was idling, and that he had better go home. No suggestion that he was mistaken. The boy tells this story, and there you have it. My learned friend, of course I shall not treat it as if it were a suggestion, who has suggested that to you has not made any suggestion that it might have been another day, that it might have been a mistake of the boy's as to the day, and as if this was a sort of paternal remonstrance—that is suggested. Now, in heavens, what should this story be invented for? Is it invented to relieve his father from this? Not at all; I say it is inconceivable—of course separate cases must require separate suggestions; but it is inconceivable that such a suggestion must be made to natural minds. The little boy invented nothing. His words, manner, and demeanour demanded perfect credit. Now, gentlemen of the jury, there is another extraordinary piece of evidence in this case. Old Mannion,—when of course Kerrigan told his account, Kerrigan was the only person could tell the part that he took in that transaction,—old Mannion told all that had occurred. As the young boy had said, he—the boy—knew nothing about the murder: his father never told him about it. But when he was asked about that morning, he said he had seen a man named Michael Flynn, but he did not say a word relative to his

father being there—nor did he say a word to relieve his father from the charge, from any suspicion that might be against him. But there was no charge against his father. His story was perfect truth. There was no need for his relieving his father from any charge, for charge there was none against him. The little boy is there, and, as I say, he is put off the boreen by the advanced guard. Gentlemen of the jury, it is a fact of terrible significance that another Mannion, an old man, who certainly was, as I should think, not a very willing witness—he is the brother of this same Mannion, and it is known that he did not say anything at all to relieve his brother from this supposed charge. Now, look at the position of his house. It lies between the boreen and Cornamona road. It is not seven minutes walk from Kerrigan's house. Now, gentlemen of the jury, this man was brought forward. We know not what hour he had fixed. He said they had done their breakfast when the prisoner came in. When the prisoner came into the house he spoke to him, and asked him some questions as to how he was, and so forth, and immediately left the house. Now, that house was not in his way at all. It was at a considerable distance from off the Cornamona road. It was in such a position from which he might get a view of the Huddys coming across from Mrs. Moran's, crossing towards the Cornamona road, and, as he was the advanced guard on the boreen, looking the lines around in order to watch where and when the victims were coming, looking into the house—look at the position and time he looked in—not yet finished breakfast—when they close to Kerrigan's house. There you have him, gentlemen of the jury. If you draw that from the point there—from Mannion's down to Macken's, a distance I suppose he could go up and down in five or six minutes, so he could look out as to the way his unfortunate victims might come, and seeing if they can come down without going down the road, where Flynn left the others. And extraordinary it appears that down between the house—the point where Flynn saw him, and Macken's house—there is the house of Tom Higgins, the father of one of the other persons who were engaged in this transaction, and Michael Flynn's house close to that. How completely the unfortunate creatures were set without any possibility of escape, for Tom Higgins was down on that road in one of those houses looking out, and Michael Flynn would be further on the road, keeping watch between Macken's and Kerrigan's, to know when the unfortunate creatures were coming, so that there could be no chance of escape. But, gentlemen of the jury, what next appears? You have heard from the engineer that the ground rises from the main road up to Tom Higgins's comparatively, of course, exposed to view, looking up from the road, from their house—but the first deep, the first fatal stop—where they thought the thing could be done with the greatest security, was when they came to Kerrigan's house—the first dip in the road. Now, how does it stand here? Supposing you pass from that for a moment. Independently of the evidence of the Kerrigans—some men, three or four, were engaged in this work of assassination, by the evidence of the Hallorans. They must have had their sentinels posted, and persons were ready to receive the parties coming down to the lake, and to make the disposition of the bodies. They must have been persons who could command assistance, for they had willing agents ready to hand. The idea of all this being planned and carried out by the family of the Kerrigans is perfectly absurd. These persons must have been in a position to command assistance, and have persons to be ready to receive these parties as they came along. Who is seen by the Hallorans? Pat Higgins along there. There is a strong probability that he was privy to the occurrence. Who is next seen there? Thomas Higgins, carrying down one of the dead bodies. Now, on the evidence of Mannion—put out Matthias Kerrigan for a moment—Higgins is there ordering Mannion to aid in the ghastly task, Mannion lifting it on him and going on. There are two men brought into connection with this terrible deed, and mark you, independently of the evidence of the Kerrigan. What about the third. Here, as I may say, some moments before this ghastly deed was perpetrated, just here, between Macken's and Corbett's house, keeping the lane clear, and we find him walking at the time from Corbett's house towards Mannion's a few paces distant. You have that, for the evidence, I most respectfully submit, was far from being impeachable, proving against, absolutely proving against the prisoners—the Hallorans, by the evidence of old Mannion, of the son, young Tom Mannion, and by the evidence of the others. You have the three parties of this terrible tragedy, proved to have been seen while it was being perpetrated, and taking part in it. There, the prisoner had no earthly business, there you have him clearing the road or the boreen, of the little boy—there you have him making, as I respectfully submit to you, observations on the road of the two Huddys at Mannion's house, lest they might come into that place first, and they would then miss them, and not know when the signal would be given. Now, what is the evidence given by these unfortunate Kerrigans. The murder was committed, as they stated, here—on the street opposite Kerrigan's house. What were they to do after it. As my learned

friend, the Solicitor-General, said, excepting the fact that the police felt, from some rumours they heard, that this was the spot that the murder was likely to be committed, here—during that whole nine months that Kerrigan was in prison, there was no evidence against him. There was blood of course where the victims fell, but who told that the Kerrigans wiped it up? The Kerrigans themselves—the little boy, Martin Kerrigan. It was an error to say that it was on the occasion of the last trial mention was made for the first time of this blood; the fact of the wiping of it up was deposed to by the little boy previously. Of course there must have been blood where the victims fell, and naturally the first thing that one might have expected to be asked was—who wiped it up? It was not suggested that the assassins would do so—they were too busy arranging for the disposal of the bodies, and made off the instant their bloody work was done. Under the horrible circumstances there were only two courses open to the family of the Kerrigans—at once to walk out of their house and home and proceed to the nearest police barrack, resolving never to see that place again, because as to the father going off to the police and giving information, or as to the mother doing so, I ask you how many hours would have gone by if they continued the occupants of that cottage before you would have had another Maamtrasna tragedy, with the young and aged slaughtered together there? There was no other course open to them, but either to say we must all fly together, seek for protection, tell our story, and abandon this place for ever, or else keep silent as all the rest of the district is silent—wipe away all traces of the blood, and Heaven send that it may not be found out that the murder was committed at our door. Now, either of these two courses was the only one open to this wretched family. But I suppose it is conceded that they were looking on at the slaughter—I suppose it must be conceded that there were other parties who did it, even supposing for the moment you conceived that they were implicated in it. As to saying that Kerrigan and his wife were there, lying in wait with two revolvers, that they butchered these unfortunate men, that they had the means ready to convey their bodies to the lake, that they had a boat there to row the ghastly burden out a mile from the shore, and so forth is sheer, absolute nonsense. You cannot talk of that without common sense and reason revolting against it. But supposing, now, that they were not unwilling lookers-on, and that they came to tell a story they knew. How did it come, I ask you in Heaven's name, and, in the first instance, what earthly object could they have for fixing the crime on any innocent men? Take them, now, as being guilty themselves with others, or occupying the position they allege. Why not name the persons really concerned? Their only chance in communicating their story at all was to tell the truth, and why not name the person who actually did the deed, either with them or totally independent of them, they being merely lookers-on. But, above all, if selecting the persons how could they go to the police with a consistent narrative if they took any innocent persons and made a charge against them. When it was conceded that they must have been looking on the scene, and having seen the persons who actually committed the deed how could they have done it, and why would they have done it? But above all if they did entertain the idea of bringing innocent persons into the case, why in the face of heaven should they have taken their own first cousin, the occupant of the next house, their next-door neighbour with whom it does not appear that in the whole course of their lives they ever had any difference or anything to create any quarrel or ill feeling? But supposing they did take him, and say he did it with some strangers (if they conceived the fiendish malignity of fastening it upon him because it is conceded now that he must have seen who perpetrated it), if they conceived that fiendish design why not have at the same time come now to suppress him from the part each person took, and if they brought him into it at all make him comparatively only the agent of the others who did it—namely to state that he knocked the old man down, and that he kicked him when he was down, but that he was not one of the men who had either of the revolvers, or who fired one single shot upon that occasion? Why involve themselves in any difficulty by bringing in a number of innocent persons, and why fasten on the man Thomas Higgins (Tom) who lived nearly two miles off? Why fasten upon the intelligent and comparatively well educated and superior man Michael Flynn, who must have a host of witnesses to prove his whereabouts on that day, but with respect to whose position on the breen, near the establishment of Tom Mannion, they knew no more about than any other member of community at that time? Why take these two persons above all others, in Cloughbrack, unless for the reason that they were the persons whom they saw there, and who perpetrated the crime, and who were the chief actors in this transaction? And now, gentlemen, of the jury, look how the chief actor conducted himself, having commenced the work. Having cleared the breen, they kept up his position about Michael Mannion's. Having fired the shot here (at the end of Kerrigan's house), and perhaps emptied his revolver, having run after the boy, seized him on the way

(because that is the part the prisoner took), seized the little boy, with these words, "What the devil brought you here?"—having the body first put in a cleave, and placed in the charge of Patrick Higgins (Long)—having the other put into a sack, and seeing that Tom Higgins (Tom), with his revolver, having been certain in his work, had caused that body to be placed on Kerrigan's back—Higgins and the prisoner, went along the boreen, and none of the Kerrigans laid eyes on him after that. Patrick Mannion, does not meet him when he comes out on the boreen—he the leading man, the organizer in this transaction—who was clearing the boreen, making his observations for the route of the Huddys, had he prepared for the *alibi* also? Had he gone to present himself at the funeral, had he gone up the road from where he was, as is supposed by good running, on the part of one who knew the country, at half an hour at the utmost? The constable tells you that walking at a lively pace—I forget the exact distance, but it is not three miles—but the constable tells you that walking at a lively pace from the scene of the murder, and you may bring it down even further, because Flynn was last seen further down the boreen—he did it in three-quarters of an hour. And I will show you how providentially the evidence—truthful evidence, given to sustain the case for the Crown, fits in with that which is given here in support of the *alibi*, on which my learned friends rely so much. Flynn is not seen after that. The body of the old man is hurried away with Pat Higgins his first cousin, and he is not seen after, and he is free, he has no burden. Thomas Higgins [Tom] must remain in order to see that the body of the young man is carried by willing, or unwilling parties, who bring it down to the lake where the boat was waiting. And the chief organizer, who, of course, if he could establish successfully for himself, would establish successfully for all the others, a successful *alibi*. As if in order to make out that *alibi*, and he knows that the funeral is taking place, and let us see now how he presents himself there. The constable, as I have told you, says he walked that distance at a lively pace, with his overcoat on and carrying a revolver. I suppose he considers it necessary, and I suppose some others except assassins should be allowed to carry revolvers in the country—and he traversed it in three quarters of an hour. Why a person who knows every inch of the country, who can run as a hare to her form and a fox to its cover, running to secure an *alibi*, do you think he would consume over half an hour there? But he is unfortunately for himself, met by one witness before he goes to his cover. That woman, Mary Joyce, who lives in Cloughbrack, upon the other side of the road from him, has told you that she had taken her breakfast that morning and done some of her business, and what would perhaps fix the time better for us, she saw before she left her home, some of the children going to school. We have been told by other witnesses that school opens by ten o'clock, and I suppose it does, but children never were, and I suppose never will be in a hurry proceeding to school. They take a long time to play, and we don't know how many of them would be at roll-call that morning. But we have this, that some time after she had seen them going to school when she is coming up the road, and up a good distance where Mrs. Connoboy lives, she meets the prisoner. Stop here for a moment. I ask, supposing the Kerrigans are telling their story, and not telling the truth about what occurred, what conceivable point could they have in fixing it just at breakfast time any more than any other hour of the day? No conceivable object. But in order to make out their *alibi* you are to remember this, that as my learned friend first took an almanac, started him at a certain hour, said that it took such and such a time, and that it was seven or eight Irish miles from Creevagh to a point on the Clonbur road, where Huddys left their car, I don't suppose it would take more than an hour and a quarter—I think that would be very fair time. And then you have had them ever since their work about a quarter past eight, because the only evidence in the case is that he started at seven, and you would have him at Kerrigan's about nine o'clock.

Now, leaving in the gray of the morning—even in this light, to-morrow morning a person might start at seven o'clock in the gray of the morning—an hour and a quarter, and after that three quarters of an hour would bring him up to the fatal spot where he met his doom. But, as I said before, the thing is proved as happening at that time, and, to establish an *alibi*, it must be disproved that it happened at that time. Why, what earthly object had Kerrigan in saying, "We had not yet eaten our breakfast; our son was returning from the bog for his breakfast." Old Mannion had eaten his breakfast and gone out when he met the party, and he is met at Mrs. Connaboy's a quarter of an hour or twenty minutes—a considerable time after the children had gone to school—and the prisoner would be free to make his *alibi* within ten minutes or a quarter of an hour after they were engaged in the work of having it placed on Kerrigan's back. And it is most extraordinary that the first person who vanished from the place was the chief organizer of the whole business, as I submit the evidence shows him to be—the man who, if he took any part in it, took the part of

leader, and who, if he established an *alibi* for himself, would prove the case in favour of the other men by establishing that the evidence against the others could not be relied upon. Even if he was not seen by that woman Joyce—fortunately he was—take the evidence of the witness first with respect to the man Tom Walsh. He told the learned Solicitor-General that when the funeral was starting from the house the sun was nearly at the highest—it might have been a quarter to twelve o'clock. Another witness, David Lowry, had taken his breakfast and gone a mile and a half, and after he came there he distinctly swears, and he is one of the witnesses for the *alibi*, that they were waiting two hours at the corpse-house before the funeral started. That would bring it up to twelve o'clock, taking his breakfast, waiting two hours there. Why, if this murder was done even after breakfast at the Kerrigans' house, he could be there a full half hour without distressing himself in the least before the funeral started, according to the evidence of their own two witnesses. In addition to that, Sullivan, the third witness, said that they were talking in the house of hurrying on and getting out as quick as they could, as they had some distance to go, and that if they did not hurry they would be late. Then there are some witnesses who are not correct as to time; and of course, unless you get persons determined to quit the country altogether, or, at all events, to go under the protection of the police, you must expect to find them straining a point in favour of the prisoners. Sullivan tells you that they were talking about hurrying it on, and the postmistress and Walter Butler tells you he does not know what hour to put it at. It was certainly not before twelve o'clock; the post had gone out, and she would bring it to twenty minutes or a quarter to one. Butler considered that it was between twelve and one; the old woman who lived in the house, and was putting the body in the coffin, was obliged to do it herself, after waiting for help. On any reliable evidence of their own you have not this funeral leaving the house sooner than a quarter to twelve o'clock. But, gentlemen of the jury, it is rather significant. This Joyce was no relation of the prisoner—it does not appear at least. If they were, one would think that the young son who was examined here would be likely, or might be supposed, to go with the father; or if there were some persons going from that neighbourhood of Cloughbrack the neighbours would have known who were the persons going, so that they might join from Middle Cloughbrack and go in company to the funeral. But there does not appear to have been any number of persons going from the neighbourhood; there does not appear to have been any preparation for him going to the funeral. But this we have. There were two other persons in that neighbourhood—a man named Flynn and a man named Burke. The prisoner could have gone with them or joined them before they went to the corpse-house. Neither of them is produced to show that he went with them or that they were joined by him on the way, on this journey. Did he take any interest in the man; had he known him; were they neighbours? Nothing of the kind is alleged. Was it to an *alibi* funeral he went, a good place for the chief man in this business to present himself, to be well known, and if he only succeeded in proving that he was there, what evidence was there to be relied upon, what about other persons swearing that he was engaged in the perpetration of this assassination? Now, gentlemen of the jury, I most respectfully submit that you have this dreadful deed brought home to the prisoner at the bar by irresistible, irrefragable evidence. Every surrounding circumstance, the more it is probed, shows what a wide-spread conspiracy this was that resolved on the perpetration of this terrific crime—the fact that on that night, after the object was accomplished, the agents of the organization from which it sprung appeared at the house of this woman Mannion, and we don't know how many others, and gave orders to destroy the documents after the object had been accomplished—that to the police in the district every mouth was closed, not a word could be uttered to lead to a knowledge of the perpetrators of this crime, no aid given to discover who had brought this desperate stain on this district that cried to God for punishment—all these proved how deep was the conspiracy. By what has been called the instinct of the officers of the law, who were on the spot, they concluded that this family must have known something about it. He was in custody until they were prompted to come forward—but it does not appear that it was by any hope of reward—he should have been discharged from custody, I suppose in a week or two and have been a free man. Not a shred of evidence was against him; no one had come forward at that time; no one came forward to this moment to give a particle of evidence to connect the Kerrigans with the crime except the evidence that they gave themselves, no one came forward to say that that poor old man Mannion had anything to do with the crime except what he says himself; the little—I hope I may call him the innocent boy—came forward to give that most vital piece of evidence without the slightest idea of what the effect of it would be as establishing the guilt of the prisoner, the other old man sick in his bed that day, Michael Mannion, the poor woman on the road coming from Cloughbrack to Cornaboy's—all these establish the truth of the

story of the Kerrigans, and have succeeded under the guidance let us hope of the Divine Power, that may for a time allow the demon to have his will over our unhappy land, but who at last has brought before you here in the interests of justice by these providential circumstances the man of blood who took away the life of his unoffending brothers on that terrible morning of the 3rd January. If you see has guilt established by clear and cogent evidence you know what your duty requires, and you are not the men to shrink from your duty ; it is on you alone the maintainance and execution of the law depends in this country. I am thankful and I rejoice as every member of my profession rejoices that the administration of the law is kept in its ancient ways, that the redress of terrible wrongs of this kind, that the vindication of the law against crimes such as these are to be established by men, high minded men, that make the State. It is they that establish Empires ; and it is on them we must depend, and we rejoice that they are men who their duties knowing, as they know their rights, and knowing will maintain.

The court then adjourned till ten o'clock next morning.

THE DUBLIN DECEMBER COMMISSION.

20TH DECEMBER, 1882.

County of Galway.

THE LOUGH MASK MURDERS.

THE QUEEN *v.* MICHAEL FLYNN.

The Hon. Mr. Justice O'BRIEN took his seat on the Bench of the Court House, Green-street, at ten o'clock, and resumed the trial of Michael Flynn, for the wilful murder of Joseph Huddy, at Cloghbrack, County of Galway, on the 3rd of January last.

The Hon. the *Solicitor-General* (A. M. Porter, Esq., Q.C., M.P.), *James Murphy*, Esq., Q.C., and *Peter O'Brien*, Esq., Q.C. (instructed by *George Bolton*, Esq., Crown Solicitor), attended to conduct the prosecution ; and

Charles H. Teeling, Esq., and *Richard Adams*, Esq. (instructed by *Patrick J. B. Daly*, Esq., of Ballinrobe), appeared for the accused.

The Jury having answered to their names—John Millar (Foreman), Charles King, Henry Smith, Robert Shaw, Robert White, Alfred G. Jones, George Booth, George J. Cockle, James Talbot Power, Richard Booth, John Hatchell, and Joseph R. O'Reilly,

Mr. Justice O'BRIEN proceeded to sum up the evidence for the jury. He said :—Now, gentlemen of the jury, you have been told by the learned Solicitor-General, who represents the Crown, and by the counsel who are engaged in the defence of the accused man, in terms more or less emphatic, that upon this trial you are to be guided entirely by the evidence that has been given in this particular case, and to leave out of your minds, or to separate your minds as far as possible from what you have heard or what you have read, or any impressions you may have formed in respect of preceding trials. This is the trial of Michael Flynn, and he has for the first time an opportunity of making his own defence, and ought not to be affected—it is only common justice and reason—by anything that has passed in his absence. His case in some respects, the nature of his defence, is different from those that have been made in previous cases ; and the case for the Crown is also different in some important respects as affecting him. And, therefore, you must try, as far as possible, to dismiss from your minds all impressions, or prejudices, or opinions you have formed, except so far as such may be grounded upon the evidence given in this particular trial, which alone must be the basis of your verdict.

The prisoner was arrested upon the 25th of September, because undoubtedly it does appear that immediately when this information was given by the witness, Matthias Kerrigan, in the opinion of the authorities at all events, a new light was cast upon all this horrible business—the prisoner was arrested on the 25th of September, and there were found upon him at the time certain documents which have been the subject of much discussion upon this trial. One was a letter written to him by a member of the Ladies' Land League, as it was called ; another was a small pocket-book, which it has not been considered necessary to refer to much ; and the third was a card of membership of what was called the Clonbur Branch of the Land League, dated—I take the statement from Mr. Adams—in the year 1880.

Mr. *Teeling*.—The 6th June, 1880, my lord.

Mr. Justice O'BRIEN.—Very well, the 6th of June, 1880. All these documents filled the character of legal evidence—legal evidence in the sense that the Crown had a right to produce them, and to put upon them any interpretation which they reasonably bore. They were admissible in evidence in the very same way that the Crown could show what hat he wore, or what shoes he wore, or what coat he wore—being found upon him at the time. They were also admissible in evidence on another ground, namely, that he himself appears when arrested to have made an attempt to hand these documents to his own wife, and every act done by a person upon the occasion of his arrest is a matter of legal evidence. But it is my duty in the course of the instruction the law devolves upon me to give you to assign the legal effect to these papers, even admitting them in evidence. It is one question whether they are entitled to be read by the Crown, and an entirely different question whether they are capable in any way of affecting the person accused.

One of these documents is a letter, as I have already mentioned, and a witness was examined, who wrote that letter, and who gives to it a perfectly innocent construction, and a reasonable construction—that which it seems indeed to bear upon the face of it. It was a letter written in reply to an application by the prisoner for aid, such as persons in his position, imprisoned under the warrant of the Chief Secretary, were in the habit of receiving from the body of which that lady was a member. She says so, and upon the face of it, the letter seems to warrant that interpretation and should therefore be left entirely out of the question.

The other document is the card of membership of this Clonbur Branch of the Land League, and I accede at once to the very reasonable argument which has been advanced by counsel for the accused, that at the time that card bears date, a very large proportion of all the tenantry in Ireland were members of that same organization, without that fact necessarily implying any criminal conduct on their part at all. The objects of the association had not then been expressly declared illegal, and had not been developed, or at all events, had not been developed to as large an extent as they afterwards were; and the prisoner here might quite innocently at that time—considering that he was one of the class whose rights were supposed to be capable of being advanced by this association—have become a member of that body, without in any way implying any criminal conduct or intention on his part.

I know very well, and you, gentlemen, may know very well as a matter of ordinary experience in this country—we have had too many illustrations of it—that organizations of that kind do, by a direct and almost universal tendency, lead to crime. Organizations formed for the purpose of preventing the fulfilment of legal engagements of which persons of a comparatively humble class of life are members, were in the habit of appealing, in support of the objects they want to advance, to other than legitimate and constitutional means; and as a political result—as a political consequence, it might be true and it might be their opinion that this organization of the Land League would, in the end, inevitably lead to the perpetration of crimes in the advancement of its supposed objects. But though that may be a political and expected consequence of this organization, the law attributes or did then, at all events, attribute to that organisation, or to the fact of membership of it, no necessary connexion between it and the crimes with which the prisoner is charged. Persons who have been members of the Land League, it may be, have committed dreadful crimes—dreadful murders—persons may be members of the Land League who have not committed murders, and murders may have been committed by persons who are not members of the Land League, and therefore there is no legal connexion at all between the prisoner's being a member of that organization even if it were an expressly illegal organization, and the crime he is now charged with, which is the crime of murder. I am therefore bound to tell you that, in my opinion, and in point of law, these documents did not in any way at all affect the man now accused upon the charge on which he is at present indicted.

Now, the prisoner has two grounds of defence—first that the charge against him and the evidence on which that charge is supported are not entitled to credit at all; and that even if he were to say nothing, to give you no independent evidence in his own vindication, you ought not to find this charge established against him on the evidence adduced by the Crown. Independent of that, he has made the case that he could not have been engaged in this crime at the time and at the place where that crime was committed, because he was then elsewhere; and if he made that out entirely and completely to your satisfaction, bearing in mind that the evidence he gives on his own behalf, and bearing in mind, what you must always bear in mind, the strength and force of the evidence that connects him with this crime—if he made that case out he would be entitled to an acquittal.

And now, accordingly I proceed to consider and examine in some detail, what is the evidence and what are the grounds on which you are asked to come to the conclusion that the prisoner could not have been present upon the scene, and at the time this crime was committed. The deceased man, Joseph Huddy, left his house at an hour in the morning, which is shown by the very best evidence that could be obtained—the evidence of his own son. These questions of time do not depend at all upon the time when the sun rose or when the sun set, but upon the actual evidence that there is in the case, and upon no other matters. Any of you who may happen to know the habits of people in the country, in poor localities, know very well when they have any of their ordinary avocations to fill—when they are going a journey, when they are going to a fair or to a market, or upon any other occasion they make very little account of when the sun rises or sets. They are people generally of simple habits, who retire early to bed and rise early, and fix their own hours for coming and going, independent altogether of what might influence you or me in our ordinary callings. Joseph Huddy, the son of the murdered man, might not have been able to tell very well, or very

certainly what time his father got up or what time he himself got up, say the day before this murder or at any other time, but this dreadful and tragical end which befel his parent of course immediately recalled his attention and memory to all the circumstances of this last period of his presence in that house, and accordingly he tells you that his father got up that morning at seven o'clock, or left his house at seven o'clock. He did not see him, but he heard him speaking in the kitchen or in the bedroom, or in one of the apartments, and his nephew, the grandson of the old man, was actually in his room before he left home, and he heard, that is the son heard, the car departing with them at seven o'clock.

The journey from that—from Creevagh to Cloughbrack—would take an hour and a half, he says, or two hours, if you went slowly. I would be rather disposed to say, if you could act upon mere conjecture in a matter of this kind, that Joseph Huddy, the deceased man, in the state of things that then existed, was extremely likely not to have been remiss, and not to have stopped upon that journey at all, but to have made his way with every possible despatch. In all probability he might have looked upon the time of his arrival at that village of Cloughbrack—at breakfast hour—as the most convenient for the carrying out of the business he had in hand—that he would be more likely to find the persons he wanted to serve then, even if he did not anticipate that his advent there at a later hour would give rise to resistance of any kind. He seems to have left this car upon the public Clonbur road, near a point indicated by the house of a person named Michael Coyne, and there to have entered upon some by-way, or upon this road, for the purpose of carrying out his intended services.

Some observation was made, I could not understand well for what reason, about the absence of the carman. What could he have proved? That Joseph Huddy left him upon the road there, and that he never saw him alive again, or in all probability he might prove something more for the Crown if here—he might have seen people on that road, and have discerned arrangements and preparations made for this crime. He is in America, however. I suppose he would not be very willing to disclose that he drove Joe Huddy, the bailiff for Lord Ardilaun, on that occasion—it might have resulted in great inconvenience for himself. He is, however, out of the country, and if here he could not have proved anything for the prisoner, although he might have been possessed of information which would have cast additional light on the case for the Crown, if willing to disclose it. Except that of late we have been inquiring for cardrivers in relation to other crimes, I do not know what really could have suggested to counsel this argument about the absence or supposed absence of the cardriver.

Now, as well as I can make out upon the figures, the entire distance the Huddys would have to traverse—entering from the main road at that point, at Mary Walsh's, passing from that to Mrs. Moran's, and Michael Moran's house, returning to the Cornamona road, and thence by that to the Clonbur road; or starting from Mrs. Moran's direct to the Clonbur road, and then going on to Macken's house, and passing up this boreen until he arrived at Kerrigan's—according to my calculation of the figures they must have traversed 1,260, or 1,270 yards—about that distance, something less than say three-quarters or two-thirds of a mile. The elder Huddy had, of course, in the course of that to deviate in order to make these services at the houses of Mary Walsh and Moran, and—if he did effect them—at Conroy's and Pat Higgins—

The *Solicitor-General*.—The distance traversed would be a little greater than that, my lord.

Mr. Justice O'BRIEN.—What is the correct distance then, Mr. Solicitor?

The *Solicitor-General*.—2,900 yards, I think.

Mr. Justice O'BRIEN.—That would be about a mile and a half. Gentlemen, taking it that that was so—from the point where they left the car on the Clonbur road, to Mary Walsh's, then to Mrs. Moran's, then to the Cornamona road, whence they returned to the Clonbur road, and went on to Macken's, and up the boreen to Kerrigan's, is a mile and a half about—

Mr. *Teeling*.—A mile and two-thirds, if your lordship pleases.

Mr. Justice O'BRIEN.—Well, a mile and two-thirds. Now, I do not see anything in the conjecture of counsel for the prisoner, that—having regard to the relations then existing between a person serving legal processes for three and a half years' rent, during this state of war that existed between landlords and tenantry in many parts of the country—the people among whom he went that morning would be very likely to delay him by any interchange of courtesies. Such may have been, nay, was, a characteristic of Irish peasant life in former years, but no such thing was at all likely to have delayed Joe Huddy on this journey. You may rest assured that his business was done as expeditiously as possible, and with as little communication between him and the persons upon whom he called as might be.

He proceeded then from the main road over that one mile and two-

thirds of country before he reached Kerrigan's house. If he started from his own house at seven o'clock, and reached the point of deviation from the Clonbur road at half-past eight o'clock, the interval of time between that and a quarter past nine o'clock, or some short time after nine o'clock, was quite sufficient for him to have traversed the intervening distance, and to have reached that particular point—Kerrigan's house. Now, that would seem to me to be established by more witnesses than by the son of the murdered man. All the evidence for the Crown goes very much with that view. The first witness—the woman Walsh—was in bed at the time; she had been an invalid, and was not up, and could not exactly tell the hour at which the service was effected upon her; but thence Huddy went to the house of Mrs. Moran, whose husband is in America, a circumstance which, and her consequent position of loneliness there, might, in some degree, account for the kind of evidence which she gave, on which, upon several occasions, I have had reason to animadvert, and did animadvert; for, notwithstanding all her protestations about telling the truth, when she came upon the table she seemed to me to be the very type of an utterly untruthful woman; and I was of that opinion even before I knew that she had upon that evening—as appeared upon the cross-examination by counsel for the Crown, on the evening of the very day the Huddys were murdered, wilfully destroyed the legal instrument that was served upon her, at the bidding of a person that she says was a stranger. The object of the Crown counsel in their questions being merely by way of cross-examination of this woman, an adverse and reluctant witness, I could not have permitted them to proceed any further in that inquiry beyond the statement that she had destroyed that process. If they had been at liberty to pursue that inquiry, they might probably have found out from her that that circumstance connected with the destruction of the process would have led to the conclusion that she knows a great deal more about this crime than she has disclosed. She is called as a witness for the Crown, though the Crown, by cross-examination and otherwise, have the right to show what her true and her real evidence was; and the counsel also referred to her depositions taken upon oath likewise—when she was produced as a witness for the Crown—in which she stated that this man, Joe Huddy, was at her house early on the morning of the 3rd. And having regard to the part that she fills in this matter, and to her own conduct, counsel for the Crown ask you to come to the conclusion that that is a true statement—that the deceased was there early on that morning, and not to accept the statement by which she now seeks to qualify that.

A good deal of attention has been directed to this matter, and having regard to the evidence, and the nature of the evidence given on this trial on behalf of the accused; I was a good deal arrested by her evident intention to show upon former trials that Huddy's visit was at a late hour that morning. I leave that now, simply stating again that the Crown ask you to come to the conclusion, upon her deposition, that the murdered man, accompanied by his grandson, called early at her house that morning. But the matter does not rest there. When he returned to the Clonbur road, he is seen there by a man named James Flynn—the very dull man who was examined here before you, and who appeared to be incapable of either inventing or stating anything but what was actually impressed upon his mind. He says he saw Joe Huddy on that road, going in the direction of Macken's house, and he says that he had been up early, had just taken his breakfast, and was proceeding on some business at the time—taking clothes to a tailor. But he was up early, out early, and saw him on the road, and that was after he had been at Mrs. Moran's. Then, when he reaches Kerrigan's house it is incontestable that the family of the Kerrigans at that time had not had their breakfast—they were preparing their breakfast by all accounts. So that now you have a very fair idea, gentlemen, of what the time must have been that he was at Kerrigan's house on this morning.

And now, that being so, I must call your attention to the evidence which was adduced on behalf of the accused, in order to show that he could not have been at the scene of this crime at the time it is alleged to have been committed. It is not very long, but still I deem it my duty to direct your attention to it. The first person who was examined upon this part of the case was his own son, and he says that he lives with his father, and remembers the day of Joyce's funeral. He says he also remembers the day after his father was at the funeral, when the police went there, and then he says that it was just at daylight his father got up, and that he heard him telling his mother the night before to have his shirt ready as he was going to the funeral next morning. The mother prepared the breakfast, and his father left early, the day being short. He said his father put on the clothes he usually wore when going to mass. To the Solicitor-General he says his father can speak English, but he himself does not; that he does not go to school, and never went to school for one day—a very extraordinary circumstance indeed considering the opportunities that exist now in almost every part of the country for the education of even the very humblest. He got up as it was rising day too, and his mother had the breakfast

cooked as the father went out. In the evening, he said, he was at home with daylight—that is his father came home that evening while it was still daylight. His evidence is not very material one way or the other.

Pat Duffy, was the next witness. He lives at Cloghbrack—he and the prisoner at the two extremes of the village. He remembers the day of Joe Joyce's funeral to which he did not go. He has no knowledge what time he got up himself—but, it was day; he could not tell what time of the day. He put down a fire, then he went and harnessed an ass, and went a mile for a load of turf. He saw the prisoner pass by when he was filling the baskets. He is asked how long was that after he left home, and he replied “you know the time it would take to walk a mile and fill one basket of turf, and as I was filling the other he passed.” In cross-examination he says, he lives in Upper Cloghbrack, and there are ten houses between his place and the prisoner's—two houses between him and Pat Coyne's. It is thirty times the distance of the length of this court house, he says from his house to the prisoner's. The bog is near the Cornamona road that goes to Doughtywell. He lives between the Clonbur road and the Doughtywell road. The prisoner went by the Cornamona road.

Then J. Walsh is next examined. He was at the funeral—he is a blacksmith, and a relation of Joe Joyce's wife. He lives about three or four miles from Joyce's—he can't tell how long he took to walk it. He was at Joyce's funeral, and was engaged about confining the man there. He saw the prisoner at the gable end of the corpse-house—he is not certain about the time. He had a clock of his own, he says—and this is a curious matter, and a policeman told him sometime afterwards it was wrong, I think, he actually stated it was an hour out at the time. Therefore, the clock being wrong, he cannot state when he left home to go to the funeral, but he says, he got his breakfast early, and then went to the corpse-house, and there saw Michael Flynn. The funeral started soon afterwards. Now, unquestionably, that evidence is not true—all the evidence shows that it was not so, unless he arrived at a very late period there on that day. It may have been that he arrived there at half-past eleven, and then his story might be true—that the funeral started a little afterwards; but, as the impression he sought to convey is, that he arrived about ten o'clock, at the ordinary time for the starting of a funeral. He is entirely incorrect, as appears by the evidence of many witnesses. He says the funeral started soon afterwards, because they had to pass the river. He was one of the four men who carried the body from the corpse-house, and then, he says, he did not see the prisoner again until Cornamona, which is two miles from Crumlin, and then he did not see him afterwards till Clonbur—after coming from the graveyard. There is no passage over the river where we crossed, he says—there is no bridge there, or nearer than Cornamona. The people were scattered, some went lower down, and some passed over where the corpse was carried across. In cross-examination he says if he was going from Crumlin to Cloghbrack he could go by a short cut—the straight road, without going round by the bridge at Cornamona. He was carrying the corpse, and he saw Flynn before the corpse left, and being asked was not the sun at the highest when they left, and his answer to that was he did not measure it! Then he said he did not know—that it was a rainy day, or it was a misty day, or something of that kind. He says he did not hear the wife complain of the delay in starting, and did not hear any of the party say it would be dark before they got to Clonbur. He does not know who was to wash the corpse—it was the day before the funeral it was washed—and he does not know whether the wife had to lay him out, and put him in the coffin herself. And then the last answer, which counsel for the prisoner said had not been given, and which the Solicitor-General said had been given, and which, according to my own recollection, had been given was—then the sun was at its highest.

Mr. *Teeling*.—My recollection is that that refers to the time they reached Cornamona.

Mr. Justice O'BRIEN.—No, it follows in immediate sequence—“I do not know whether the wife had to lay him out and put him in the coffin herself. Then the sun was at its highest.” That is the way I have it, and I marked it at the time specially. Is that your recollection, Mr. Solicitor-General?

The *Solicitor-General*.—Certainly, and you stated so yesterday, my lord. I mentioned it at the time as his answer, and that was the admission obtained from him.

Mr. Justice O'BRIEN.—Now, gentlemen, you will find as you go on there can be hardly any real doubt as to what time that funeral left. The next witness, Michael Joyce, who lives at Doloughty, says he remembers the day of Joyce's funeral. He went to it. He lives about one mile from the house. He was there when it started. It is a hard thing, he says, to state what hour it started—he had no watch or clock, but he had one mile to go—something like a quarter of an hour. He saw Michael Flynn, the prisoner, there before the funeral started. He carried the coffin, he said, for a while. They had to pass the river, and

the road was a difficult one. Some of the people went down below over the river where there were steps. "I don't remember that I saw him again till we got to Cornamona. There was a cart waiting beyond the corpse-house"—a cart, I presume, to carry the coffin.

Mr. *Teeling*.—Yes, my lord, to carry the coffin.

Mr. Justice O'BRIEN.—To carry the coffin. The graveyard is nearly a mile from Clonbur. Some persons did go as far as the graveyard. In cross-examination, he says, the funeral did not go smart to the graveyard. He knows the difference between smart and slow. They walked smart after leaving Cornamona. When going to the place we were not talking that it would be hard to reach by daylight the graveyard. Between a quarter past ten o'clock and half-past ten o'clock the funeral left, this man says. He had seen no clock in a house at Cornamona or Clonbur. Asked how he arrived at the time, he says, by guess—"the sun was not very high; but I guess the funeral was near Cornamona about twelve o'clock"—he guessed the funeral was near Cornamona, at that side of it, when the sun was very high—that was what he intended to convey. Cornamona is two miles from the corpse-house. Was not talking to Mrs. Joyce; was not inside her house. He knew the prisoner well. He saw the men named John Burke and Michael Flynn there. John Flynn he saw between the corpse-house and the river, and John Burke he saw at the corpse-house itself. Some observations were made, and I cannot say unreasonably made, by counsel for the Crown with regard to this. It does appear that there were two men named Burke and Flynn, who live at Cloughbrack and who went to Joyce's funeral, and it certainly is an observation which agrees well with what we know of country people and their habits, that if Michael Flynn had formed any intention of going there, he was likely to know whether other people of the same hamlet were going there also. It is the habit of country people to go together to funerals, especially if it is a considerable distance. They have a great desire for company, and it is a matter of observation that if Michael Flynn had originally the intention of going to the funeral, he would have known that John Burke and John Flynn were going there also, and would have accompanied them.

David Lowry is the next witness; he lives at Teerney, about two miles from the corpse-house; he went by the mountain, which is a mile and a half; he went there before the corpse was taken out; did not see the prisoner at the corpse-house. There is a river between the corpse-house and the road, and he saw him drawing towards the river as they were going across it, drawing towards the river in the same direction, I assume, as the funeral was proceeding; could not say where he joined it; he saw him a quarter of a mile from the corpse-house when everyone was going from the corpse-house; he saw him afterwards at Cornamona, at Clonbur; he was a relation of the deceased; could not tell what time he went to the corpse-house; he is on his oath; knows nothing of watches and clocks; could not give any certain time; he said he had merely to dress himself and eat a bit—he got up and went off to the funeral; the day was a little while spent before he got up, and he could not say what hour the funeral started; he had no knowledge of such things; it was daylight he said when they got to Clonbur, and they had to open the grave, because it was not open at the time; the shovels were lying on the ground, and they had to open the ground when they got there; after leaving the graveyard he could walk for a mile by daylight—that is, for the return journey, after the closing of the grave. Cross-examined:—The day was sometime spent when he got up; he got tea and put on his clothes, and he walked one mile and a half over the mountain; there was delay at the corpse-house. This appears to be a very circumstantial and particular witness, who took a special interest in this funeral on account of his being a relation. He was asked point blank was the time he was at the house before the funeral started—was he two hours at the house before the funeral started—and he said, to the best of his knowledge, he was two hours. Now, it is very remarkable evidence that is given by this man. He got up in the morning; the day was somewhat a little while spent; he took his breakfast, put on his clothes, prepared himself, went a mile and a half over the mountain, and after he arrived at the corpse-house it was two hours before the funeral started. He was not at the coffin when he went there; he does not know whether they were waiting for a woman; he saw the prisoner drawing towards the river.

The next witness is James Sullivan; he lives at Doughtywell; was at the funeral; he lives about a mile from the corpse-house; he got up earlier than any other day, and got his breakfast cooked and went straight to the corpse-house, and the funeral started; did not see the prisoner at the corpse-house, but he saw him at the funeral crossing the river; could not say what time it was, but to his judgment it was early enough. In cross-examination he says he saw David Lowry between Cornamona and the corpse-house; he got a pipe of tobacco, and while smoking his pipe he was inside; asked were they talking about the delay; he said they were, that they should have taken him out early, as the road was long; could not tell what time they got to Cornamona.

That witness confirms the statement of the previous witness, that there was a conversation about the delay in taking the corpse, and the length of the way.

John Hopkins is the next witness. He lives about one mile from the corpse-house ; saw the prisoner at the funeral ; he does not know what time he got up ; has no knowledge of clocks or watches. He saw the prisoner at Michael Coyne's, at Cornamona, also at Clonbur again. Witness was in Michael Coyne's house ; did not hear people say they should hurry ; they were walking easy enough at Cornamona. It was just betwixt and between something under the ordinary funeral pace. He was not at the corpse-house ; he met the funeral about a quarter of a mile on the Cornamona side of the river ; has no knowledge of time.

Then the evidence upon that point of the defence of the accused closed, and evidence was given then certainly of great importance, not only on this question of time—on behalf of the Crown—not merely upon the evidence of time. Mary Joyce was called for the Crown. She lives in Crumlin, and is the widow of Joe Joyce, and was in the house the day he was buried. The funeral was going to Fairhill—that is another name for Clonbur. She said she and another woman washed the corpse ; there was a delay in starting, waiting for the other woman to assist in coffining him. They waited a good while and the other woman did not come. Asked her how long they were waiting. She says there was a piece of the day spent. They passed out a good while after breakfast. At twelve o'clock she takes her dinner, and she is asked by the Solicitor-General was it coming up to that time, twelve o'clock, when the funeral started, and her answer is, "Not altogether then," showing that in her opinion, certainly the time did approximate to twelve o'clock. "Not altogether then." Some people came early enough as the day was there.

The next witness, Jane Sullivan, lives in Cornamona, and is the postmistress there ; recollects the day of the funeral, and saw it passing through Cornamona ; to the best of her belief it was between twelve o'clock and one o'clock ; it was going the ordinary time, at a regular pace ; recollects it passing her house ; the post had left—she fixes the time the funeral passed by some reference to the ordinary time the post went out—always a very certain and good means of fixing time, for according to the ordinary routine of post office work, the time the letters are sent out is nearly always the same. It was between twelve o'clock and one o'clock ; recollects it passing her house ; they were going by the window pretty fast ; did not see them stop at Cornamona ; she does not know much about the intervening country between the place where the funeral was coming from and Cornamona. Walter Butler is the next witness, who appears to be in a somewhat superior condition of life. He keeps a shop in Cornamona ; he recollects Joe Joyce's funeral passing through it ; he was not much interested in it ; it passed between twelve o'clock and one o'clock. He knew Joyce's house ; he cannot say what distance it is, but it is in or about two miles from Cornamona ; he does not calculate in Irish miles, and he is not sure it is even that, not even two miles—he states it was about two miles.

So that now it would appear upon that question of time—it is a matter for your consideration—having regard to the evidence given both for the accused and for the Crown, and bearing specially in mind the admission made by some of the witnesses as to the length of time they were detained, one stating they were detained two hours, another saying there was some delay ; and bearing in mind the evidence given by Jane Sullivan and Mr. Butler—it is for you to form as fair a conclusion as you can in your own mind about the approximate time that funeral left the house of Michael Joyce to go to Cornamona, bearing in mind it was between twelve o'clock and one o'clock at Cornamona. It would seem to me—subject to your judgment ; for you are judges of the facts, and I mention it only so far as it concurs with your judgment—it would appear to have left that house between half-past eleven o'clock and twelve o'clock. The next witness is the elderly man, Michael Mannion, who said he lives at Cloughbrack. I understand upon the map which is before you, gentlemen, the residence of Michael Mannion is marked just between two of those roads—the one from Kerrigan's house and the Cornamona road—am I right, Mr. Solicitor-General ?

The Solicitor-General.—Midway between them, my lord.

Mr. Justice O'BRIEN.—It is not a long distance from Kerrigan's house ; his house is between the breen running to Kerrigan's and the Cornamona road. He was sick in bed on the day of the murder. He recollects between breakfast and dinner time a man coming in to see him. The breakfast was not done at the time—which I understand to mean that he was eating it, or about to eat it. Another person that is here, that is now here in court, was in the house, and the old woman. It was the prisoner came in to see him—that is, the other person who is now here came in to see him. The prisoner did not go into the room, but he sat on a chair on front of the room door. He has no knowledge, he says,

of clocks or watches. The prisoner was talking to him, and inquired how he was. He says he remained for a short time, and then got up. He had his usual clothes on. He did not know where he went or what became of him on that day; and then he says it was on Tuesday, the day of the murder—evidence undoubtedly of a very serious significance. It was evidence adduced on behalf of the Crown—not originally to establish that the prisoner was upon the scene or close to the scene of the murder, as the evidence of Patrick Mannion was. What reason there was for that I don't know; whether the Crown were aware of the evidence or not I don't know. They were entitled to give that evidence as original evidence upon the part of the Crown, in the same way as they were entitled to give the evidence of Patrick Mannion.

It would seem to me as a reasonable explanation of the circumstances under which that evidence was given, that Michael Mannion, that elderly man was produced on behalf of the Crown, to establish the presence of the prisoner close to the scene of this crime, after the occurrence of the crime itself, and at a time when, according to his case for his defence, he was elsewhere; and that in reality the evidence of Michael Mannion did establish that it was not at that particular time he was in the house, but at an earlier hour. It would have been quite open to the Crown in point of law and in point of practice, no matter at what time the prisoner was in the house of Michael Mannion on that morning, to have abstained from giving that evidence except for the purpose of displacing the *alibi*. The Crown might also, as a rebutting case and to meet the *alibi*, if so disposed, have produced the young man, Patrick Mannion, to show that he saw the prisoner on the road at an earlier hour than the actual date of the crime. But whether the prisoner was in the house of Michael Mannion before or after the time of the occurrence makes really very little difference in the evidence. I don't go the length of the counsel for the Crown, when he suggests that he was in that house for the purpose of reconnoitering or observing the movements of this unfortunate man, Joseph Huddy, over the ground he was passing at the time, with the view then to the perpetration of the crime. That is the construction, the interpretation which his presence might possibly warrant. There is no evidence, however, that seems to me to make out that that was his object, that he was there for the purpose of preparing for the crime before its commission, but that he was in that house at that time I cannot see any possible ground for controverting.

I see no reason to impeach the evidence of Mannion. He says he was in that house, and the importance of the circumstance is not diminished by the question whether it was before or after the crime was committed, but there he was at the time that he himself says he was engaged in another place. And the very locality was not one he would be in if he were going in the ordinary course upon the Cornamona road. Going along to this village, he would keep the road and not make a detour at all, unless he went specially to Michael Mannion's to make an inquiry as to his health. In cross-examination he says he is brother to Patrick Mannion, the witness examined originally for the Crown. Asked when he told this first? He said he had no knowledge till the sergeant came in asking for the Huddys—the night they were looking for the Huddys—and then he mentioned this actual circumstance. He told the police that night, "The prisoner asked me how I was getting on? and I told him I had a hope I was improving from the disease I was then suffering." That was all the talk between them, and the prisoner then left. The next witness is Mary Joyce, who lives near Cloughbrack. Remembers the day of the Huddy's murder; says they came at night; that is the police came at night, I assume. The morning of the first day the police came she went—that is the date of the murder itself—she went out early in the morning, looking for the pig. She knows the Widow Connoboy's house; it is at the junction of the road and the boren leading up from Kerrigan's.

Mr. *Teeling*.—No, my lord, it is on the Cornamona road.

Mr. Justice O'BRIEN.—Yes; on the Cornamona road. She knows the Widow Connoboy's house. Before she got there she saw some of the scholars going to school. Asked what time do they go to school? She says they usually play awhile before they go. After she saw the scholars she saw Michael Flynn. "Did he tell her where he was going?" He did not. But she said, "You are going out, God save you," and he said he was. In cross-examination she is asked are not scholars put out early, and she replies she doesn't know what other parents do, but her own children play a while, and it takes a good while before they go to school. When asked when first she told the police what she now tells, she says when they asked her; she cannot tell, for she does not remember it; she cannot say what time it was; the man that asked her could tell it, and she said the person she told it to is here, Mr. Thomas Finn. She never told the police she knew anything about the murder. Finn she told it to, and Finn was subsequently examined as a witness, and he said it was on the 18th October that she made the statement that she saw the prisoner that morning on the Cornamona road, and she marks the place. Sergeant Ruddan was examined.

He knows Cornamona, and has walked from it to the scene of the murder in fifty minutes. It would take fifty minutes from Cornamona to Joyce's house, and from the scene of the murder to Joyce's house about three quarters of an hour—but that would be a lively walk—which I mean would be rather a rapid walk. It could be done faster by some person having any particular object. Ten o'clock is the school hour. He says the day was fine, and he could have gone faster. Then Finn was examined, and he proves this conversation to have taken place. He paid a visit before to Mary Joyce, but he asked her generally about the murder, and she then said she knew nothing about it; but on this particular occasion his inquiry was not directed to the murder at all, and on the 18th October, being asked did she know anything about the prisoner, she stated what she has stated here. Sergeant Rudden was recalled, and he says it would take seven or ten minutes more if the prisoner was to go from his own house where he leaves that road to go to Joyce's house than if he were to start from the scene of the murder—a little greater distance but not much more, having regard to where his residence is marked on the map.

And now you will have to determine upon that evidence, even if there was no evidence given at all by this man, Michael Mammion, who saw the prisoner in his house that morning, if there was no evidence given by Mary Joyce, who saw him at the hour she has indicated—whether it would not be consistent with his presence at that funeral, even at the corpse-house, not merely meeting it at the river, but at the corpse-house—whether it would be consistent with his presence there after he had been present at, and taken part in, the commission of this crime. That, according to the view I took of the time it occurred, would be sometime shortly after nine o'clock. If the evidence given for the Crown, and upon the cross-examination of some of the witnesses for the prisoner be true, he would not merely have time to go that distance, but nearly double the distance, even if he did not quicken his pace as a person might be supposed to do who wanted to be present on a public occasion where his presence would be noted, and to establish a defence that afterwards might be proved in evidence by the statements of different witnesses. It would not certainly be consistent—his presence there would hardly be consistent with the fact that he had not merely taken part in the commission of this crime—that he had gone a certain distance, as he might have gone to the edge of that lake with the body. It would require great expedition—extraordinary and remarkable expedition, on his part if he accompanied the remains of that old man down to the lake, and went to the place where they were finally deposited. But there is no evidence to lead you to the conclusion or to suggest to you that the prisoner did go. The evidence of Mary Joyce establishes that he could not have been present, and could not have been a person who took part in the final deposition of these bodies. Arrangements might have been made by other parties for that, not only by the possible consistency of his presence at that funeral, but by probable consistencies with the commission of this crime, is that defence of an *alibi* met. It is also met—and you cannot leave this out of your consideration, by the strength and power of the evidence given in support of the charge made by the Crown.

And now let me draw your attention, I hope not in any detail, to the main features of the evidence given by the Crown. The testimony of the Kerrigans, leave out of your consideration entirely for the present, with the single exception of this circumstance, that all the members of the family allege there were three persons engaged in this crime, a person named Patrick Higgins, Thomas Higgins, a relative of one of the witnesses, and the prisoner himself, and see now what evidence there is to establish the presence of each of these three persons, without resorting to the testimony of the Kerrigans at all. Two persons named Halloran, live upon that hill, at a distance of 150 yards from the Kerrigan's house, and they tell you that upon that morning they were engaged in preparing oats, in the ordinary duties of their business, and they heard shots, one or two shots, and their attention is directed to them, and certainly I must observe, that the fact, that that remarkable circumstance seems to have produced a very slight impression upon the mind of either of these Hallorans. I have my own idea; although, they would not tell what those shots were fired for, their general demeanour shows that they were under the impression that something of a very serious and dangerous nature was taking place at that time, and that they turned away from it, either from a desire not to see matters, which they might be brought into afterwards, or from advice not to interfere any way, and that the suspicion that something was wrong was in their mind. They came seventy-five yards to a point from which they had a view of Kerrigan's house, and the two Hallorans, reluctant witnesses as they are, are forced to say that they saw on that road, close to Patrick Higgins' own land, one of the three persons whom the Kerrigans have named, as engaged in the commission of crime. You have Patrick Higgins there. It may be that he was a person looking on, and was not engaged in an active participation in the crime. At all events, that Patrick Higgins is placed

there on the road, and he is named as engaged in the actual perpetration of the offence. The evidence of the Hallorans, goes on very much further than that. I shall refer to another view of it shortly afterwards. For the present I shall refer to it as showing the presence of Patrick Higgins, outside the testimony of the Kerrigans altogether.

Next we have the evidence of Patrick Mannion upon whom that sack was placed. He lives lower down, Patrick Mannion, a man who I must say concurring in that respect with the observations of Counsel for the Crown, appeared to be simply a stupid man wholly incapable of planning any story, or concert in crime, or considering the effect his evidence would have upon him one way or the other. If you believe his testimony, Thomas Higgins, another of the persons named by the Kerrigans, was with young Matthias Kerrigan on that day, taking an active part in the disposal of the body of young Huddy. If you believe the evidence of Patrick Mannion—he names Thomas Higgins; and now I have to repeat an observation I have had occasion to make before—I cannot understand any ground or reason in the world why Patrick Mannion should name Thomas Higgins, as being a person then present, no matter what suspicion might attach to himself, even if found by a policeman who jumped from a hedge at the moment he was carrying the body, at the time the body of the man who it appeared had been cruelly murdered, even if he were fully alive to the danger and position in which he stood, he would not exonerate himself from blame, by saying any other person was there as much as Thomas Higgins, and the fact of his putting him there engaged in carrying young Huddy at the time, no more exonerates him than it would any other person in the world.

There are two of the persons alleged to have been engaged in the crime. There is a third, the prisoner himself, and you saw and heard that young lad Patrick Mannion. He says he was out on the road upon that day. He went after breakfast, and after getting the feeding for the pigs. He was out upon the road and saw the prisoner there. He seemed to me a person—it is a matter entirely for you—I could not see by his demeanour, manner, or the way in which he stated what he had to say, I could not see out of his own conduct any ground to impute to him any desire to do anything but to state what he saw. He is a respectable young lad. It was a grievous thing to see a young lad like that brought up without instruction in the rudiments of the English language. He could not have had any motive in any way to relieve or exonerate his own father, because his statement that he saw Michael Flynn upon that road that day had no kind of influence or operation whatever upon his father's guilt or innocence. He saw Michael Flynn upon that day there. He had a conversation with him. He could be under no mistake. It was suggested that he might be mistaken as to the day,—he was not even cross-examined upon that point; it was suggested he might be mistaken as to the hour—he was not cross-examined with regard to it. The hour was clearly fixed by him, shortly after breakfast when he went out there; he could not be mistaken as to the identity of the man, for he knew Michael Flynn, and had a conversation with him, and he then said to witness, "Go out of the boreen, or not to be seen that morning," which statement if made by Michael Flynn, beyond all probability of question, implied in his own mind a certain knowledge that something wrong had taken place or was to take place at that boreen that morning, and it was desirable to remove, as far as possible, all human spectators of the crime.

Now, before you approach the testimony of the Kerrigans themselves, there are three independent witnesses unconnected with the Kerrigans, having no more connexion with them than with Michael Flynn, being on the scene of the crime, the three persons who were the actual perpetrators of it, according to the Kerrigans. Now let us come to the evidence of the Kerrigans themselves and I must read it for you. It is very short although possibly you are quite familiar with it. Matthias Kerrigan the father, says he lives at Cloughbrack, and was a tenant of Lord Ardilaun. He has two sons, one Matthias, sixteen years of age, and the other twelve next August, and he has two daughters, one a young girl at home and the other at service. He recollects the day the Huddys were murdered—the last day he saw them alive. There was a little boy with him. He knew Joe Huddy for twenty years; he did not know the boy. That morning he was in his barn cleaning oats. Martin, his youngest son, was coming from the house to the barn with a basket to put the chaff into; it was a little sized basket. That morning his son Matthias went for a load of turf to the bog to be brought home with an ass and straddle and baskets. He first saw Joe Huddy at the corner of witness's house, he saw three persons coming after him. They were Patrick Higgins (Long), Thomas Higgins, and Michael Flynn. Patrick Higgins was his neighbour and first cousin of his wife. Michael Flynn is the prisoner. He saw Patrick Higgins strike Huddy with a stone. He said he was not more than an arm's length from him when he hit the deceased man. He let the stone out of his hand. He struck him on the left side. He points out the spot where he fell. That man, the prisoner, and Thomas Higgins put

shots into him. He could not say how many, but each fired a couple of shots. The boy ran away, and this man, Michael Flynn, followed him and caught him, and said, "You devil, what brought you here?" and knocked him down. Thomas Higgins came up and put two shots into him. Matthias was not back when the old man was being killed, but he came up when the little boy was down. The boy's body was put into a bag, which old Patrick Higgins got. He went into witness's house and got the sack. The old man's body was put into a basket by Patrick Higgins and Flynn, and Flynn hoisted it on Patrick Higgins's back, and old Higgins took it away. He does not know where the basket was got into which the old man's body was put and taken away. Thomas Higgins hoisted the sack on his son's back. The prisoner is married to a sister of Thomas Higgins. They said to his son, "Stand out here or we will make you sorry." The son shook and was afraid, but he had to go out after all. The son took the body away. The prisoner put the old man on Patrick Higgins's back, and they both went off together. The son was a little while, not much, behind the other; he was not more than half an hour or three quarters of an hour away till he returned. His mother went out and cleaned up the blood. He saw Patrick Higgins (Sarah) pass up the breen after them with a basket of turf, and he might have seen her cleaning up the blood if he looked. He was identified by witness, and asked a question which is not material—did they see him doing anything, and he is told not. Witness was arrested that night, and his son was arrested whilst he was in Galway jail; he was kept in jail nine months. He did not see Martin while in jail; he saw Matthias in jail. He was not sure whether he owed two and a half or three and a half years rent.

In cross-examination, he says, he has no other means but this small amount of land, £4 17s. 6d. worth; it is his whole means of livelihood. He is asked, did he expect to be served with this ejectment, and he says, his wife told him that Mr. Burke said it would be issued, but he had no reason to know it would come that day. Asked did he know the 3rd January was the last day for serving processes for the Oughterard sessions, he says, he did not know any more than the judge and jury, that it was the last day. He was arrested and charged, because it was found that the men were killed at the back of his house. He is asked, was he charged with the murder. About that case for certain, he was taken. Was he taken to the barrack at Fairhill? He said he was, and remained there three days and nights, and was brought before the magistrates. In Galway jail there was nothing against him but that case. There could not be anything against him but that. Twelve weeks to-night, he was discharged. Others were discharged before him, if they were, no one knew the truth of the whole facts, till he told them. When first did he give information? Twelve weeks to-night, he told Mr. Brady; Sub-Inspector Gibbons, Sergeant Ruddan and Mr. Bolton were also present when he gave the information. He was not let out till then, till he told the truth. Afterwards, he went to Mr. Holme's house in Galway, and his wife and family came there, the very night he was discharged. They left that only this night fortnight, when brought to Dublin. On the 14th October, his depositions were made. It appears, he made another information in the jail, not called for or produced at the trial, showing that the prisoner and his brother-in-law, Thomas Higgins, were brought before him in the jail. On his oath, he received no process that day. He was told one was to come, but he didn't know when. When allowed out in the yard, he might see his son for a couple of hours together in the exercise ground. His wife visited him in the jail, could not tell how often, twice on separate days, and once on other days. When Patrick Higgins went in for the bag, witness did not go in with him. Did he go in himself, and take the sack? He did, and was able to go in. Had you anything to do with these murders? He could prove before the judge, he had not. He is asked, had he any conversation with his son. Counsel for the Crown stated the prisoner was arrested upon the 21st September. The prisoner was arrested on the 21st September; there were informations made, not afterwards referred to. The witness was asked whether there were other persons present in the exercise ground when his son was there. He said the officers of the prison and others were present.

His wife was then examined. She is first cousin of Patrick Higgins (Long). She was at home the morning the Huddys were killed; was standing at the door, pouring out water from the potatoes; she was throwing out the water with her hands. She had not breakfast at the time, nor was the breakfast boiled when the Huddys came. Joe Huddy was on the road; there was a boy with him. Her husband was in the barn, and Martin was in the house, Matthias having gone to the bog for turf. She saw persons coming after Joe Huddy and the little boy, and those persons were Patrick Higgins (Long) Thomas Higgins, and Michael Flynn, the prisoner. Joe Huddy was knocked with a stone, at the back of the house, by Patrick Higgins (Long). He moved after he fell, and Patrick Higgins gave him two or three kicks. The

prisoner and Tom Higgins put shots into him with pistols. The boy ran to the back of the barn, and he had his grandfather's top coat on his arm, carrying it, and that man, the prisoner, followed him, and asked him, "What the devil brought you with that?" and the prisoner caught him by the back of the poll, and knocked him down, and Tom Higgins put shots into him. She saw the old man put into a basket, but has no more knowledge than the interpreter where the basket was got. The boy's body was put into a sack got on the loft by Patrick Higgins. Matthias came back when the prisoner and Tom Higgins were murdering the boy. The loft consisted of boards and beams, and none of the family for twelve months had slept in it. The sack could be seen hanging on the boards in front. Pat Higgins and Flynn went away together with the old man. The boy was in the bag before the elder man was stirred. Thomas Higgins hoisted the bag on the back of her boy, who did not want to carry it, but Tom Higgins took him by the collar, and when her son was saying he would not go, he told him if he did not go he would not be thankful, or sorry. The blood was at the back of the house, on the boren. Witness cleared it off. She saw Pat Higgins (Sarah) going by with a basket of turf, and the corpses were then gone. There was no other person there except the men she has named, and the two men dead. Points out the spot where the men were murdered, and puts her hand upon the spot where the younger one lay.

In cross-examination she said, she did not know whether Joe Huddy was coming that day. The master told her in his own office that he was to serve a process. She knew well there would be a sessions in Oughterard, but did not know what time the process was to come. She had no knowledge of the day or hour the process would come. She told her husband that the process was to come, and she was asked did she tell anything to the police during the nine months her husband was in jail—were the police asking her about the matter, and she said of course they were often speaking to her, as it was at the back of her house it occurred. She was in great trouble about herself and her family, and she said nothing to the police. Never told them at any time it was these men committed the murder, until her husband told it in Galway. Was she asked, and did she say, she was at Luke Kerrigan's, at Bahaun, nursing a child, and she said she did not. It was after the bodies were taken away that she dried up the blood—a very short time afterwards. No one told her she says. She was asked did anyone tell her to do it, and she said no one, but she thought it was not a nice thing to have it there, and then her husband and herself said he would be the first to be taken if the police came and saw the blood. She was asked when she made her information that these men committed the murder, and she says she only arrived on the night her husband arrived from Galway jail, and the evening of the next day her husband and herself made an information. She came to Galway, and herself and her husband made an information immediately after she came. Some time before he was released from jail she made a deposition as distinct from the information she made afterwards. She was asked was she friendly with the Mannions, and she said she was a good neighbour of everyone. She was asked were the Mannions at her house while her husband was in jail, and she said sometimes Mannion might come in and ask her how her children were, and she would call in return at Mannion's house as well, but on examination she said the Mannions were no more to her than anybody else.

Then Martin Kerrigan, the little boy, was examined. He says he recollects the day the men were killed, he saw Patsy Higgins strike the old man with a stone, then Michael Flynn and Thomas Higgins put shots into him. The prisoner at the bar said to the boy, "What brought you here you devil?" and then knocked him down. Then Tom Higgins came and put shots into him. Matthias was at the bog, and he came back with a load of turf. He was back when the old man was killed, and Michael Flynn and Thomas Higgins were putting shots into the old fellow. The old man was put into a basket, and the young boy into a bag. Michael Flynn hoisted the basket on Patsy, and they went down the boren. Thomas (Tom) said to his father if he would not put the sack on him he would not be thankful. I will not hoist it, said he. It was then put on the brother's back, and he went down the boren with Thomas (Tom) with him. He saw Pat Higgins (Sarah) coming down the boren when they were gone. He had a basket of turf. Then his father and mother cleaned the blood off the road. They were cleaning the blood away when Patrick Higgins (Sarah) passed by. He identifies Pat Higgins (Sarah) as he came into the dock for the purpose. His father had not eaten his breakfast at that time. Cross-examined, he says his mother was cleaning the blood; his father had a shovel, and his mother was throwing tin cans of water on it. When the persons who were carrying these bodies went off, the father and mother went to clear the blood away. He saw the whole thing from beginning to end—from the stone thrown at the old man until the bodies were taken away. He was out in the street—the street, understand, is not the ordinary road

at all, but the conventional or local name for describing the yard and place about the house—he was out on the street—upon his oath he did not swear he was in the house. Then he was taken in cross-examination through the different statements in the deposition he made. The deposition was read by counsel, and in it he stated that he was in the house when he heard the shots. He says he was in the house undoubtedly at one time, but he did not swear in Galway that he was in the house when he heard the shots. And he was asked did the police ask him about the murder, and he said they used to be asking him, and that he did say he knew nothing about it, “for we were expecting our father out every day.” Did he not say his mother was at Luke Kerrigan’s at Bohaun, and the answer is yes, did he not say it expecting his father would be out.

Matthias Kerrigan was then examined. He said he was out that day for a load of turf at the bog, and when he came back Pat Higgins, Thomas Higgins, and Michael Flynn were there. He knew Michael Flynn well, and he identifies him. The body of the old man was put into a cleave or basket, and the body of the boy into a basket. Michael Flynn hoisted the cleave on Patsy Higgins, and they went down the boreen. Thomas Higgins said to the witness: “Hoist this on you—meaning the sack—and he said he would not hoist it, and then he said do that or you will not be thankful, and the witness said he had to no it. He brought it as far as James Corbett’s, and saw Patrick Mannion coming out of Corbett’s. Thomas Higgins said to Mannion, “Hoist the bag on him.” He believes he said to old Mannion he would make him sorry if he did not. He took it and brought it a short way down as far as his own cross road. Michael Flynn and Patrick Higgins were gone out of sight with the basket. He saw Pat Higgins (Sarah) at Corbett’s. They told him to come on with it. Pat Mannion was tripped at Corbett’s, and he was tripped again when he said he was not able to go. He was told to walk out, and the witness said he returned and Mannion returned to his own house. Cross-examined—He had brought back a load of turf that morning; it took about an hour to go and an hour to come. He was in Galway jail, charged with the murder himself; he was in for a fortnight or three weeks: the police took him because the murder was done at his house. The question was asked did he know and believe he was liable to penal servitude for life, but I ruled that that was not a proper question, as no such proceeding could be taken against him in the position in which he stands.

Then John Halloran and his sons were examined, and they deposed, as I have already stated what the evidence was, and after John had been examined Matthias Kerrigan was recalled, and he says while his father was in jail—did the police ask him any question about the murder. They used to be going round; did they ask him did he know anything about the murder; that was the question. They often asked him, and he told them he had no knowledge of it, through fear. He is asked did he not tell lies when he made that statement, and he says he did, because he was afraid to tell. Upon the question being pressed as to what was the occasion of the reasonable fear—what was the particular form of fear in his mind, whether apprehension of criminal proceedings against himself as one of the parties who had carried the body away, or against his father as a party to the murder—he was pressed as to the occasion of the fear, and he said the fear was that he would be murdered as they killed the Huddys, that was if he disclosed anything connected with the offence, he would be in danger of his own life.

The younger John Halloran was then examined, and he told in substance the statement I have mentioned, and how they heard shots, they came some distance in order to see. The father saw three or four men on the road. One says three and the other says three or four, but they could not tell who they were; they could not tell who the men down at the hollow were, but it necessarily follows from their testimony they were not the Kerrigans, and in answer to that question whether Michael Flynn and Thomas Higgins could have been there without their knowing, and they said they could have been there. Certainly, they were not disposed to give any evidence in favour of the Crown.

Patrick Mannion, the elder man, was then examined—He remembers the day the Huddys were murdered. I was at Corbett’s house, he left it when they came over to him. He had gone after his breakfast to James Corbett’s. In Corbett’s there was no person present but the old man. After he left he saw the prisoner, he saw persons coming from the direction of Higgins’ house. He saw Thomas Higgins and Matthias Kerrigan’s son, and Patrick Higgins (Sarah). Young Kerrigan had a bag on his back. Tom Higgins said, when he came down from the street to the boreen, “walk out here” and he said he would not. He said he should walk out, and he pulled him after him, he put his hand to the collar of his coat and pushed him out before him. The bag was taken off Kerrigan’s back and put on witness’s back. Thomas Higgins was driving him on before him and tried to make him hasten, which he was not able to do. Thomas Higgins was shoving him on; he went to

the end of the boreen. The bag was falling off, and Thomas Higgins went to hoist it on him, and he, the witness, was tripped on one knee. After he was tripped on one knee he did not look until they were a short distance off, and he could not tell whether it was Tom Higgins or Patrick Higgins (Sarah) that carried it on. He returned to his own boreen, and Matthias Kerrigan went home too. Cross-examined he says while the bag was hoisted on him he saw the shoes of the body out. He did not know whose body was in it or ask; on his soul he did not ask one word about it, black or white. He was asked did he not know he could be punished, and he said he did not. It was not with his will it was carried; he had no knowledge one way or the other. The question was, if he carried it without his will he was liable to be brought up for it, and the answer was, didn't he tell them already he was pulled and hauled. After that he was asked, did he carry this bag with his will. Wasn't he pulled and hauled with them, was his answer.

Then Thomas Mannion the younger also was examined. He says, he is the son of Patrick Mannion. He recollects the police coming to look for the Huddy's. The morning the Huddy's were killed, he was in the boreen. When they got up they put the potatoes down, and after breakfast he went out. He went out earlier than his father. His father went to Corbett's land, saw the prisoner on the boreen between James Corbett's and Pat Macken's. Prisoner said to go home and don't be on the boreen. Witness did go home. He remained on the boreen behind witness. He spoke to him quietly as he would any time. Cross-examined.—While Kerrigan was in gaol did any of the police come to him. He said they used to come at times round questioning the people, and asking them had they any knowledge of it. He told them he had no knowledge of it. That was true, he knew no more, his father never told him a word at all, he was a fortnight in Galway, where witness was brought. His father did not tell him a word. He did not know it, on the day of the murder he did not seek or know anything at all, but what he has told altogether about what happened that day. He did not know until he went to Galway, that information was given by Kerrigan, and then it came to transpire that Patrick Mannion the elder knew something of the circumstances connected with this crime, but until witness was taken to Galway himself, his father did not tell him, or did he know anything at all about his father's part in this matter. He said he did not know anything of the murder, he only knew that Michael Flynn was on the road that day, and that was a matter capable of being connected by inference and argument of the Crown with the commission of this murder.

That is substantially the whole of the evidence in this case on behalf of the accused and for the Crown. On behalf of the prisoner you are asked to believe that the evidence of the Kerrigans is entirely untrue, for several different reasons. First of all, that Kerrigan was himself charged with this crime, and was in gaol for a period of nine months; and during that whole time, and not till other prisoners who had been arrested for the crime had been released, did he disclose, nor did his wife disclose, any of this knowledge which he had acquired of this dreadful deed. To that it is answered, on the other hand, that in the state of feeling that existed at that time, if he had disclosed his knowledge of the crime it would inevitably have involved his life, his house and home; and if he wished to preserve his own life he would hold his peace. That is an argument which you will consider, and give whatever weight it seems to you to possess. On the other hand, it is said by the Crown that no charge was made against him during the whole of that time at all—that, unless the motive to tell the truth, there was no other motive capable of influencing him; but even if he did suppose that by telling the truth he would obtain his immediate release from custody, that that is not a sufficient reason to discredit his statement. He did obtain his release by means of it unquestionably, because he was allowed out a few days afterwards, and he would not have been let out unless he made this statement. Against the argument founded on his long silence and his wife's silence as to this crime, and of his son's silence at the same time concerning it, you have, upon the other hand, the fact that every one else who knew anything about it concealed it also—the Mannions concealed anything they knew about it; any witness that has been examined on behalf of the Crown case concealed anything they knew about it; and notwithstanding all the power of the Crown, all the vigilance and all the researches they could prosecute, all the light they could cast upon this crime to the moment we are engaged in this inquiry, a very large part of the circumstances connected with this crime—a large part which is undoubtedly in the knowledge of these people—remains to this moment entirely undisclosed—how that body was carried down to the lake after it left the presence of Pat Mannion and young Kerrigan; how or by whom it was carried to the lake; how it passed down the Clonbur public road; by whom it was taken; by whom the means of carrying it out into the lake and sinking there was provided; whose was the boat, for it is clear a boat was used; who put the stones into the sack or upon

the feet of the elder man ; how many were engaged in it ; who were the persons engaged in it—these things remain at this moment, notwithstanding all the vigilance of the Crown, in entire and absolute mystery. That is a fact which reduces very much the effect of the argument that this man Matthias Kerrigan was so long in jail, and told nothing at all about it. You have it in evidence, or rather it appears from the conformation, the necessary conformation of the ground, that it slopes down from the Clonbur road towards the edge of the lake ; and it is extremely likely that the means taken to dispose of these bodies were observed by a great many persons—yet no person has come forward to give any evidence ; and, on the other hand, it is an argument certainly of very considerable weight that it being known, as it must have been known, because news of an occurrence of this kind goes round at once, and becomes known universally ; it being known that Matthias Kerrigan, when in jail, had made some information which compromised some persons in the village of Cloughbrack, and on the strength of which the prisoner and Thomas Higgins and Patrick Higgins were arrested on the very day—on the 25th—the very day that Matthias Kerrigan was released—it being known he had given information ; if any information was capable of being given which would fix that crime upon Matthias Kerrigan, and fix the crime upon the man who had invited or received the odious name of informer, and so release the prisoner, or Thomas Higgins, or Patrick Higgins from the charge, most undoubtedly, that evidence would have been given. Evidence has always been readily given against the Crown, and in favour of the accused persons, and such evidence would have been most readily given against the man who had himself given information to the Crown.

Now, passing away from this matter to the fact of his not disclosing this information sooner, he is said to have had opportunities of communicating with his own family, and with his wife during the time he was in jail, and communicating also with his son Matthias while he is in jail also, and he had an opportunity of communicating with all the members of his own family when he left jail, and for making up this story. Such opportunity may have existed to a greater or less degree in jail, of course the prison officers were almost always there ; he may have had opportunity of seeing his wife and son in the absence of the prison officers. Then when he was out of jail he may have had opportunity of communicating with his wife ; but while he was in the jail he had told the whole facts already, so far as depended on his own testimony entirely, and it was on the strength of that information he then disclosed that he was let out of jail. There are of course two views that may be taken of every human act ; one account that may be given of the ordinary narrative is that all the persons who told it had all arranged beforehand to tell it ; the other account is to my mind the more ordinary and reasonable account—unless you fix the persons with some tremendous motive for a false statement, some motive of extraordinary agency ; if a number of persons depose to an occurrence without agreeing with each other in every detail, it is an evidence always of truth ; if you find persons giving an account of a transaction such as this, and find no other account but that account, the reasonable explanation is that they are giving an account of what they saw with their own eyes.

Now, take either of the two stories. Was Matthias Kerrigan under the influence of this idea—the sack in which the body was carried away was got in his own house, the blood that was spilled in that murder was spilled at his own door, his son was found to have carried that sack part of the way down to the lake—was he under the belief that by reason of these circumstances he was open to a charge of being unjustly charged by reason of circumstances of a highly criminatory character, that he was liable to be unjustly charged with this crime, and that he has put forward the charge against this man now accused, on account of that apprehension existing in his own mind. First of all it must be an apprehension existing in his own mind, because no charge was made against him at all up to the very latest moment by anybody, and all the circumstances of such an incriminatory character which I have referred to—the blood, the sack, and the part his own son took in the matter, were all derived from himself—it was all his own story. It was he who told the whole thing himself. Nobody knew a single thing about these matters except himself, his son, and his wife. Supposing he is innocent, that it is only true that he was under an apprehension existing in his own mind, that all these matters might have been found out and have fixed upon him very great suspicion of this crime—unjust suspicion of the crime, would first of all the apprehension that a colourable charge—a charge supported by grave colour, but still that an unfounded charge of crime might be made against him, would that lead him to accuse the prisoners, Pat Higgins, Michael Flynn, and Thomas Higgins. Why should he not attempt, for his own security, to fix on some other persons as the actual perpetrators of the crime ? Why should he fix on Patrick Higgins, who is sixth of kin to himself and first cousin to his own wife. He had had no quarrel or dispute with him. Why did he fix on him as being the person close to

the scene of the murder that day when he knew that he lived some distance from the place; and, why did he fix upon Thomas Higgins, knowing, as he must have known, that if he falsely and unjustly accused them it was highly likely that both of these men—two of them connected with each other, brothers-in-law, might be provided with sufficient evidence, entirely unknown to him, by which they would be able to repel that charge altogether or fix upon himself that charge of murder. You will have to ask yourselves if by any circumstance, cause, or motive that I cannot follow he had been led to associate these three persons in the crime, are you able to furnish any explanation of the circumstance that he fixed upon these different persons, the presence of each of whom upon that very road on that very day of the murder is established by the evidence and facts entirely outside his own testimony. Accordingly, from that theory, that there lay a very heavy suspicion against them—although unjust suspicion—the counsel who defended the accused are driven to the theory that Matthias Kerrigan, and his son, and his wife, and younger son, were the persons themselves who murdered the Huddys, and really all the argument—and of course a prisoner is not to be bound by the effect of any fallacious argument his counsel may feel under the necessity of making in the case—has gone upon that basis.

Leaving Matthias Kerrigan and his wife and children, I would like to draw your attention for one moment to a part of the case I have not yet referred to. Upon the body of the murdered man are found certain documents—upon the body of the elder Huddy six different civil bills, and it has been argued here that they cannot be regarded in any way as evidence merely because they are found on the body—that it is part of the circumstances of the body, and that they cannot affect this man, Michael Flynn, in any way directly—the existence of these documents, and their nature—except in one particular mode, which I shall shortly refer to. Twelve different ejectment processes were given to this man Huddy by the agent of the estate; of these documents—twelve different originals, and with, of course, an equal number of copies—and, it may be, a great many more copies, because there might be tenants and under-tenants, on each of whom a copy must be served—of the twelve original documents given to him but three are found—one for a person named Hyland, who lives away in that direction; another for a person named Comar, who lives beyond Kerrigan's house, and the third for service upon Kerrigan himself. All the ejectments preceding the point when he arrived at Kerrigan's house are all missing—the originals are all missing—the originals are all missing, and the Crown say if Matthias Kerrigan could be supposed, merely because an ejectment process was to be served upon him, which is by no means an uncommon proceeding in the country—that that necessarily would have led him to commit this dreadful crime—the murder of the two Huddys—the Crown say that if the Kerrigans had been the persons who committed that crime he would have in some way provided himself, from the intervention of others, against the preservation or retention of that original civil bill against himself, which is found on the body of Huddy, the deceased.

And now, the only way in which—the only legal point of view in which the existence of these documents can be used is this; why say that these three civil bills were found, and there has been a complete destruction of all the original processes up to the very time that Huddy reached Kerrigan's house, that there has been present to the persons who were engaged in the commission of this crime, and were guilty of this interference with the documents which were in the possession of the elder Huddy—there was present a certain motive or reason in their minds for destroying all these original documents, and that the one document which effects Matthias Kerrigan is preserved, and was not destroyed. That is the only point of view—the only legal point of view—in which the existence and nature of these documents found can affect the case, indirectly, by showing that Matthias Kerrigan, if he was guilty of the crime, had not taken the same means of giving effect to his motive for the destruction of that civil bill which had been taken by the other persons to destroy all those other civil bills.

Now, the point of the commission of the crime—the actual locality and the moment, is fixed beyond question. This man—the elder Huddy—had not reached Matthias Kerrigan's house when he was killed. He had not reached the place where the service of the civil bill would take place. The place where the murder was committed is pointed out, and it appears to be conceded and assumed that he had not reached the place where the service of the civil bill would take place at all, and if he were murdered upon that road, it is not likely that he would be murdered by a person coming out of his own house to meet him on the road. These crimes are usually committed by persons who follow, and dog, and watch their man. Matthias Kerrigan must not only have come out and murdered him, but he must have come out of his own house and gone against him to meet him on the road—an extremely unlikely thing—either for the purpose of receiving these documents or to murder him before he came to his own house at all. If such wicked designs can be imputed to him

because a civil bill ejectment was to be served on him, he would in all probability have waited in his own house where he would have had greater facilities for waylaying the man, and have had the co-operation of his own wife and sons; but counsel for the prisoner suggest that the Kerrigans went out on the road and met Huddy and murdered him there. First of all you have heard the Hallorans swear there were three men on the road—not a woman at all—not the wife of Matthias Kerrigan at all. If they were the Kerrigans, they would have given evidence for the accused, and have sworn that they were the Kerrigans, because they must unquestionably have known them at the distance. They don't swear so, and the Crown ask you to come to the conclusion upon the evidence of the Hallorans alone, that with the exception of the boy, Matthias Kerrigan, and those engaged in this dreadful business, there was no one of the Kerrigan family on the road at all.

In the next place, that crime is committed at an early hour in the morning—nine o'clock—and beyond all question by preconcert and design, and Matthias Kerrigan was in his house, and could not really have known, nor could his wife have known, that the man, Joseph Huddy, was coming to serve that civil bill ejectment for the rent, and to put him out of his place, he could not have seen him at that point where the murder was committed, or seen him approach at all, whereas many other persons might have been engaged in the crime who would have had the opportunity of observing him. Kerrigan was there in his own house, and he would have waited there in all probability until Huddy came to the house, and where is the evidence of a personal encounter resulting from the fact of Matthias Kerrigan being served with a civil bill ejectment? Instead of that you have evidence of a crime committed at an early hour in the morning, and committed apparently with a full and deliberate design, committed with firearms, committed with revolvers. Matthias Kerrigan, it has not been shown, had ever seen or ever had a firearm in his possession in his life, or that his wife or sons did. There were two persons armed with firearms, and that is the account you are given, and that is clearly established by the wounds on the bodies of the Huddys, that the elder Huddy had five revolver bullet wounds, and the younger Huddy two.

Go a little further and you have the fact that the body of young Huddy is carried by Kerrigan's son, under the circumstances, he states, as far as Mannion's house, that it was then taken by Mannion a short distance, and that then he delivered it to Patrick Higgins (Sarah). You have the body of the elder Huddy carried away, as they tell you, put on the back of the elder Higgins by the prisoner, Michael Flynn, and Michael Flynn and he went away together—no further evidence of any kind of the participation or act done by the family in relation to the removal. Is that consistent with any possibility that Matthias Kerrigan and his wife were brought into this crime—that they committed this crime, whether previously plotted or not, that they committed it with firearms, and that they left the body of young Huddy and of the elder Huddy to be carried away, to be concealed—taken to the lake and carried out, and with stones attached to them to be sunk in the lake—no act or participation whatever to remove the evidence of the crime, they had committed. There is no suggestion that at any time from the point where Matthias Kerrigan left that dreadful burden—released himself—that any one single member of the Kerrigan family was out of his own house.

Was it the true and real interpretation of this murder, that it was committed not merely with the aid of persons pressed into the service of the persons engaged in it, but by agents situate outside that immediate influence who were in possession of firearms, and yielded or were carried away by that flame of crime that spread over the whole country—I should rather say the conflagration of crime—and who came with the design of committing this crime for the purpose of diffusing and spreading a system of terror to prevent the ordinary engagements of property being satisfied, or producing a widespread system of terror to alarm persons connected with property in Ireland. Is that the true and real conclusion—the true and real interpretation of this event as it appears now upon the whole evidence.

If you can see your way reasonably towards reconciling all the evidence with the presence of the prisoner at the scene of the murder, deposed to by young Mannion, deposed to by Michael Mannion, the elder man, and deposed to by that Thomas Joyce and by all the Kerrigans—if you can reconcile that with all the evidence that has been given, bearing in mind the observations I have made about the *alibi* being entirely consistent with his presence at the scene of the murder, or if you have a reasonable doubt as to his guilt, he is entitled to the benefit of it—a reasonable doubt—the doubt that arises upon the facts—a doubt that presents itself to every man fairly and reasonably—a doubt that will operate upon a strong, ordinary man's mind—if you have such a doubt, he is entitled to the benefit of it. If the whole of this converging testimony leads to the conclusion, painful and distressing as it may be, that the evidence for the Crown has satisfied you of his guilt, your duty is clear—to find him guilty.

The issue paper having been handed up, the jury retired to consider their verdict at twelve minutes past twelve o'clock. At thirteen minutes to one o'clock the jury returned into Court, when

The *Foreman* said—My lord, a juror wishes to know at what hour the post left Cornamona.

Mr. Justice O'BRIEN.—Is Miss Sullivan, the postmistress, in attendance?

Mr. *Bolton*.—We will send for her, my lord. She is about somewhere.

Miss *Sullivan* recalled.

Mr. Justice O'BRIEN.—You are sworn already, Miss Sullivan, bear in mind?—Yes, my lord.

Now you said in your evidence that you recollected the funeral passing before your house, and you said the post had then left?—Yes, my lord.

What hour did the post leave?—It leaves sometimes at half-past ten, and sometimes at half-past eleven o'clock.

Sometimes half-past ten o'clock and sometimes half-past eleven o'clock?—Yes, my lord, according to the kind of day it is. If it is a wet day the post is late.

If it is a wet day the post is late?—Yes, my lord, some days late and some days early.

Let me read your evidence for you?—The policemen can tell you what I am saying is correct.

Let me read your evidence for you; "You live in Cornamona. You act as postmistress there. You recollect the day that Joe Joyce was buried and saw the funeral passing through Cornamona. To the best of my belief it was between 12 and 1 o'clock. It was going the way they generally go; they were walking at a regular pace; recollects it passing my house; the post had left; they were going by the window pretty fast. Did not see them stop at Cornamona?"—No, my lord; but the post had left for some time—a good bit before they passed.

A *Juror*.—I should like to ask the witness, my lord, what hour about did the post leave on that morning?

Mr. Justice O'BRIEN (to witness).—You said "to the best of my belief it was between 12 and 1 o'clock; they were walking at a regular pace; recollects it passing my house; the post had left."—Yes, the post had left a good bit before the funeral had passed—some time. It might have been half an hour, or it might have been between half an hour and a quarter of an hour, but it was some time.

A *Juror*.—What is the hour fixed by the postal arrangement for the departure of the post?

Mr. Justice O'BRIEN.—You heard that question, what is the hour fixed for the departure of the post?—Sometimes the post does not come in early. If it is late at Cong it would be late at Cornamona.

A *Juror*.—Does the witness remember at what hour on that particular day the post went out, and if so, how long afterwards was it that she saw the funeral pass?

Mr. Justice O'BRIEN.—Are you able to say at what hour the post went out on that morning, and how long after the post went out was it that the funeral passed?—No, my lord, but I know I had the book filled in as regards the number of registered letters, and the letters I had sent.

What book do you fill in?—The book of the letters that come in, and so forth.

And had you any other business to do—any accounts to keep, or any other matters to attend to?—Only the number of letters to enter.

And is it your recollection that you had done that duty before you saw the funeral pass by?—Yes, and I was sitting at my work, as the funeral passed.

What work were you engaged at when the funeral passed?—Some work of my own.

As the funeral passed?—Yes.

Are you able to tell the jury, what were the grounds of your belief, when you stated that "to the best of my belief, it was between twelve and one o'clock"?—Well, my lord, I was looking out of the office window, and saw people returning from the funeral—those who did not go the whole way.

They had left Cornamona?—Perhaps they had, and gone further than Cornamona—I can't say.

And was it that fixed it on your mind—the hour it was?—No, I had to prepare my dinner.

What time do you usually prepare your dinner, Miss Sullivan?—Well, different times, according as I want it.

Is it your recollection that you were then preparing your dinner on that day?—No, my lord, I was sitting at the window doing some work when I saw them passing.

And the post office business proper had been done?—There is no fixed time for that. According as the letters come in, my business has to be done.

The jury again retired at three minutes to one o'clock.

Mr. *Teeling*.—I was loath to interpose while the jury were here, but the witness has stated that she had entered her letters and done her work—I desire to ask how many letters she had, or what is the average number of letters per day in the place. I am instructed that there are but few, and that it would only take a few minutes to do them. I am told only nine or twelve letters on an average in a day, and dealing with them would only occupy a very little time.

Mr. Justice O'BRIEN.—But she had other duties as well.

Mr. *Teeling*.—I would ask her to be recalled on that question—on the question of time.

Mr. Justice O'BRIEN.—Very well. Call up the witness, and call out the jury.

The Jury were recalled, and Miss Sullivan being placed on the table.

Mr. Justice O'BRIEN.—After the departure of the post, Miss Sullivan, what is the nature of the duties you have to perform?—I keep the accounts of the letters, the number of letters, my lord, I receive, and that I send away in the day.

The number of letters received, and the number you sent out—anything else?—And then the addresses of the registered letters, I have to enter them.

Registered letters, if you get any?—Yes, I keep the account of them separately.

Anything else?—Oh, yes, I have to keep certain receipts, and there are forms to fill up as to the number of letters.

Are you able to tell me from the number of letters you dealt with that day, and the other duties you had to perform how long you would be engaged in the performance of those duties, or about how long you really are engaged in them?—I could not tell. Sometimes I am longer than at other times.

Your question solved nothing, Mr. *Teeling*.

Mr. *Teeling*.—That is not my question, my lord, I respectfully submit.

Mr. Justice O'BRIEN (To witness).—How many letters do you receive there, generally—you said more or less—what is the average?—I could not tell, unless I had my books.

The jury retired and finally returned into court at thirteen minutes past two o'clock.

The *Clerk of the Crown*.—Gentlemen, have you agreed to your verdict.

The *Foreman*—(handing down the issue paper).—We have.

The *Clerk of the Crown*.—How say you gentlemen—is Michael Flynn guilty of the murder of Joseph Huddy or not guilty?

The *Foreman*.—We say he is guilty.

The *Clerk of the Crown*.—You say he is guilty, and that is your verdict gentlemen?

The *Foreman*.—Yes.

The *Clerk of the Crown* (addressing the prisoner)—Michael Flynn, you have heretofore stood indicted for that you upon the 3rd of January, 1882, feloniously, wilfully, and of your malice aforethought, did kill and murder Joseph Huddy; to that indictment you pleaded not guilty, and put yourself upon God and your country for trial, which country has found you guilty—what have you now to say why judgment of death should not be passed upon you according to law?

The *Prisoner*, in an excited manner, said—I have to say, fair and honest, that I am as innocent of the crime as any man of the jury or of the court. I never took it in my hand for the purpose of examining it or firing a shot with it, no more than the child unborn; nor was I in any breen, or road, or street to commit this crime, no more than anyone who swore against me, and I hope they will beg the Lord's pardon they are to go before. Before my God, I am as innocent as any man in this court, and I was not there that day, nor could I be in it, for I was at the funeral, four miles from my own place by fair measure of the way I went that day. I am as innocent as the child unborn, and I will say that if I was to be sent before my God this day. I hope to God Ireland is listening to me, and that Ireland will look to see that my wife and children will not die of hunger, because I am innocent; but I am just as glad to go before my God as to go to any other place. I hope Ireland will keep my wife and children from hunger, for it is a hard thing that I should be brought out from them, and my mother at the age of fourscore and some odd years. I am without a son living who could prepare a dinner for them. In my thoughts these people brought here [to the dock] are brought here for slaughter. It is like bringing one to a market and selling one, that he may be slaughtered. It is like selling one at a market-house. I am as innocent of the crime as the child unborn; yet I am not ashamed or afraid of going before God.

Mr. Justice O'BRIEN, passing sentence, said—Michael Flynn, you have been found guilty by the jury of this crime, upon such evidence as, notwithstanding your protestations, and the crafty means adopted by you to conceal the evidence of this crime, can leave no doubt on the

mind of any rational person of your guilt. It was a most cruel and piteous crime. Two unoffending persons who had done you no wrong—towards whom you had no cause for animosity, left their homes upon this 3rd of January for the purpose of doing their duty in their ordinary employment, by which they got their livelihood, engaged in a service as innocent as that of the humble servant of the Crown who delivers the letters from the post; and upon that occasion they were surprised, unthinking of harm, and cruelly and foully murdered by you and others. And, notwithstanding all the means taken by you, by the mode in which the bodies of the victims were disposed of, by this false defence that was prepared beforehand by you and other designing persons, your plot and crime now stand revealed as clear as the daylight descending into this courthouse. I do not wish to add to the dread and painful position in which you are now placed—standing there, notwithstanding all the influences that led you to this crime, as you now stand, alone and friendless, without help or saviour, to receive at the hands of the law the award of your guilt; but I cannot avoid saying that you were the principal person in this wicked and murderous plot, and that I have no doubt upon my own mind that you persuaded that aged man—Pat Higgins (Long), who might have been disposed himself to live on terms of peace with his neighbours—to be honest and quiet, and to live in God's peace and God's law—that you persuaded him to engage with you in this criminal intercourse. No person can have listened to all these dreadful trials during so many days, no person can see you, can have heard your case, can have heard even your own account now of your position in your family—no person can see you, and others like you, torn from house and home and wife and children, and doomed to a violent and ignominious death, but must earnestly sigh that this state of things that exists in this unhappy country should cease, and that there should be an end of all this wickedness that has caused so much misery and bloodshed, and brought you, and unfortunate men like you, to the gallows. The world and its concerns for you, Michael Flynn, are now passed, and I exhort you during the short interval of time that will be allowed to you, to prepare for another world, and to beg of God's forgiveness for this great crime of which you have been guilty. The sentence now is—and I do order and adjudge that you, Michael Flynn, be taken from the bar of this court to the prison where you were last confined, and from thence be taken to the county gaol of the county Galway, and that on the 17th day of January, which shall be in 1883, you be taken to the common place of execution within the walls of the prison in which you shall then be confined, and be there hanged by the neck until you be dead, and that your body be buried within the precincts of the gaol, and may God have mercy on your soul.

The prisoner (raising his arms) I go as freely as I would go to my own home, but I am not guilty, thanks be to the Almighty God. I wish you all good day.

Having bowed, the prisoner left the dock for the cells beneath, and,

Mr. Justice O'BRIEN, addressing the jurors, said—It has been arranged, gentlemen, to postpone the remaining cases to be tried by special juries until the 2nd January. When you are called together again you will not be long delayed, because the cases to be disposed of are few in number and not of great magnitude. You will permit me now to express the high admiration that I entertain, from the experience of this Commission, as to the conduct of the jurors, whose names are to be found on the special panels of the city and county. The manner in which they have, with the greatest possible inconvenience, to the neglect of their own avocations, even separating themselves from their families and homes in the inclement season we have just passed through, and attended here in such numbers in pursuance to their duty, entitles them in a signal manner to the thanks of the whole community.

Mr. *Daly* applied for, and obtained, an order to see the three condemned men in Kilmainham jail (previous to their removal to Galway), stating that they might desire to make some disposition of their property.

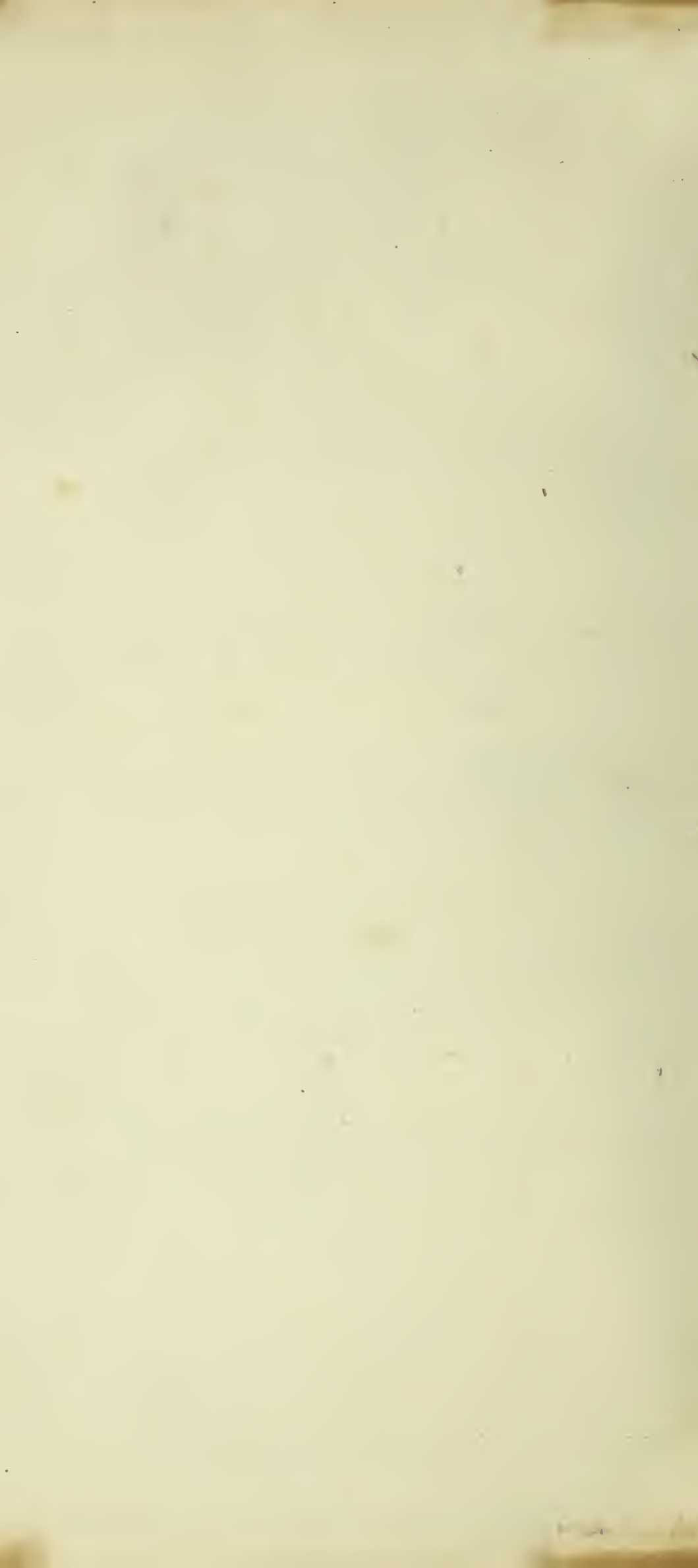
Mr. Justice O'BRIEN asked if Constable Evans's superior officer was in court.

Sub-Inspector *Gibbons* said—Constable Evans is under my command.

Mr. Justice O'BRIEN.—You have heard what the Solicitor-General has stated in reference to him, and I, in right of my privilege sitting here, ask you, Mr. *Gibbons*, to convey to the Constabulary authorities the expression of my opinion as to the extent and value of the service that has been rendered during these trials, in the administration of the law, by Constable Evans, and the further expression of my opinion that for such service he is entitled to the highest approbation and the greatest amount of service that the Constabulary authorities can render him by promotion and otherwise.

Sub-Inspector *Gibbons*.—I thank you, my lord, on his behalf.

Mr. Justice O'BRIEN.—As to yourself I say nothing, because we all know, Mr. *Gibbons*, what you have done.

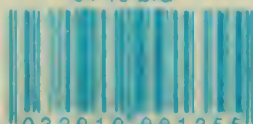


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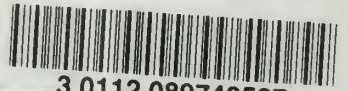
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